

**JARDIM MEISNER SALMON
SPRAGUE & SUSSER, P.C.**

Scott D. Salmon, Esq. (152162015)
Tracy L. Lucas, Esq. (006892007)
30B Vreeland Road, Suite 100
Florham Park, NJ 07932
Attorneys for Plaintiff

Scott D. Salmon,

Plaintiff,

v.

**Robert F. Kennedy, Jr. and Tahesha Way, as
Secretary of State for the State of New Jersey,
in her official capacity,**

Defendants.

Superior Court of New Jersey
Law Division, County of Mercer

Docket No:

Civil Action

Verified Complaint

Plaintiff, by way of this Verified Complaint, alleges and says:

THE PARTIES

1. Plaintiff, Scott D. Salmon, is a registered voter of the State of New Jersey and maintains his principal residence at 2160 Buttonwood Lane, Scotch Plains, New Jersey 07076.
2. Defendant, Robert F. Kennedy, Jr., is a declared candidate for President of the United States and maintains his campaign headquarters at P.O. Box 147, South Walpole, Massachusetts 02071.
3. Defendant, Tahesha Way, as Secretary of State for the State of New Jersey, in her official capacity, maintains her principal offices at 225 West State Street, Trenton, New Jersey 08608.

GENERAL ALLEGATIONS

4. On April 5, 2023, Defendant Kennedy filed a Statement of Candidacy with the United States Federal Elections Commission, stating his intent to run for President of the United States. See **Exhibit A**.
5. In the Statement of Candidacy, Defendant Kennedy indicated that he intended to run for the position as a member of the Democratic Party and would compete in the primary. Id.

6. On April 19, 2023, Defendant Kennedy formally announced his candidacy and expressly stated that he was challenging President Joseph R. Biden, Jr. by way of seeking the party's nomination in the primary election for the Democratic Party. <https://tinyurl.com/2mal4mgp>.

7. Countless media outlets reported over the ensuing months that Defendant Kennedy was actively campaigning as member of the Democratic Party and planning on competing in the primary election. For example, the Associated Press reported that Defendant Kennedy was "challeng[ing] President Joe Biden for the Democratic nomination next year." <https://tinyurl.com/26bjcjrj>.

8. The Public Broadcasting Service stated that Defendant Kennedy had "long identified as a Democrat" and was "a member of one of the most famous Democratic families in politics." It also acknowledged that his primary bid was a "long-shot." <https://tinyurl.com/293n5kl7>.

9. Between April 19 and October 16, 2023, while competing for the Democratic Party's nomination, Defendant Kennedy raised approximately \$385,000 from 750 New Jersey donors, according to records from the Federal Elections Commission. He also spent approximately \$1.6 million within New Jersey alone, much of which was related to campaign events within the State.

10. On October 17, 2023, Defendant Kennedy, realizing that he would not be successful in the primary election, decided to withdraw from the primary and run as an independent candidate. To that end, Defendant Kennedy amended his Statement of Candidacy with the FEC to indicate that he was now running as an independent. See Exhibit B.

11. According to the New York Times, Defendant Kennedy was "ending his long-shot pursuit of the Democratic nomination against an incumbent president." <https://tinyurl.com/yv9ue5mc>.

12. According to that same article, Defendant Kennedy's decision was motivated, in part, by "sagging" poll numbers, which indicated he was unlikely to prevail.

13. Had Defendant Kennedy believed he would have successfully won the nomination of the Democratic Party in the primary, he would not have withdrawn from same.

14. Defendant Kennedy's campaign for the nomination of the Democratic Party was therefore unsuccessful, as he did not ultimately obtain that party's nomination.

15. On May 24, 2024, Defendant Kennedy submitted petitions to the Secretary of State to run as an independent candidate for election in the general election scheduled for November 5, 2024.

16. On June 4, 2024, Defendant Kennedy received hundreds, if not thousands, of write-in votes in the primary election for the Democratic Party. Because most counties do not report write-in results for offices of this type, it is unknown exactly how many votes he received.

17. However, in Cumberland County, Defendant Kennedy received 14 votes in the primary, far more than any other write-in candidate (second place was a tie between Cenk Uygur and Marianne Williamson, who each received 2 votes).

18. In Somerset County, Defendant Kennedy received 22 votes in the primary, far more than any other write-in candidate (second place was Cornel West, who received 10 votes).

19. In Camden County, Defendant Kennedy received 102 votes in the primary, plus 2 additional votes for the “Kennedy Team,” which is the name of his campaign committee.

20. On August 9, 2024, the Secretary of State is required to certify all duly nominated candidates for the general election, which will otherwise include Defendant Kennedy.

COUNT I - DECLARATORY JUDGMENT

21. Plaintiff incorporates all prior allegations as if fully set forth herein.

22. New Jersey has a “Sore Loser” Law in effect, which prevents individuals from running as independent candidates if they have “unsuccessfully sought the nomination of a political party to that office in the primary election held in the same calendar year.” N.J.S.A. 9:13-8.1.

23. The United States Court of Appeals for the Third Circuit has previously declared that New Jersey has a “legitimate and important State interest” in preventing “sore losers” from running for office. Council of Alt. Political Parties v. Hooks, 179 F.3d 64, 80 (3d Cir. 1999).

24. Courts in New Jersey have repeatedly upheld the Sore Loser Law in recent years to preclude individuals from running as independents even when they did not appear on the primary ballot itself.

25. In Abutel v. Hanlon, MON-L-001667-22, the Hon. Linda Grasso Jones, J.S.C., refused to allow a write-in candidate who actively sought votes in the primary, but who did not appear on the ballot from proceeding as an independent candidate. See Exhibit C.

26. In Washington, et al. v. Cross, SLM-L-000146-23, the Hon. Benjamin D. Morgan, J.S.C., refused to allow an incumbent official, who had been elected as an independent, from appearing on the ballot because she received write-in votes in the primary election for the Democratic Party. This decision was upheld by the Appellate Division on an emergent basis. See Exhibit D.

27. The Secretary of State has also recently prevented a federal candidate from running for the United States Senate as an independent under the Sore Loser Law, even though that candidate withdrew his primary petitions before they were accepted. See Exhibit E.

28. Pursuant to the New Jersey Declaratory Judgments Act, N.J.S.A. 2A:16-51, et seq., courts in New Jersey are authorized to declare rights, status and other legal relations so as to afford litigants relief from uncertainty and insecurity.

29. Defendant Kennedy unsuccessfully sought the nomination of the Democratic Party for the office of President of the United States for the election to be held on November 4, 2024.

30. Plaintiff seeks a declaration that Defendant Kennedy be deemed ineligible to run as an independent candidate for President of the United States in the November 4, 2024, election, as he has violated New Jersey's Sore Loser Law.

31. Should Defendant Kennedy be permitted to run as an independent candidate, it will not only violate New Jersey's public policy, but have the effect of diluting Plaintiff's vote.

WHEREFORE, Plaintiff seeks a judgment against Defendant Kennedy declaring and adjudging that Defendant Kennedy has violated the New Jersey Sore Loser Law, N.J.S.A. 19:13-8.1, because he previously unsuccessfully sought the nomination of the Democratic Party for the same office in the same election cycle, along with other relief that the Court may deem just and appropriate; and

COUNT II - INJUNCTIVE RELIEF

32. Plaintiff incorporates all prior allegations as if fully set forth herein.

33. Defendant Kennedy should be enjoined from running in the general election as an independent candidate on November 4, 2024, because he has violated the Sore Loser Law.

34. Tahesha Way, the Secretary of State, should be enjoined from certifying Defendant Kennedy as an independent candidate in the general election scheduled to be held on November 4, 2024, for the office of President of the United States.

WHEREFORE, Plaintiff seeks a judgment against Defendant Kennedy and Defendant Way: (1) enjoining Defendant Kennedy from running as an independent candidate; and (2) enjoining Defendant Way, as Secretary of State, from certifying Defendant Kennedy as an independent candidate in that election, along with other relief that the Court may deem just and appropriate.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:5-1(c) of the New Jersey Rules of Courts, Scott D. Salmon, Esq. is hereby designated as trial counsel for Plaintiff.

Dated: June 25, 2024

**JARDIM MEISNER SALMON
SPRAGUE & SUSSER, P.C.**

/s/ Scott D. Salmon, Esq.
Scott D. Salmon, Esq.

VERIFICATION

I, Scott D. Salmon, of full age, do hereby certify as follows:

1. I am the Plaintiff in the foregoing matter and a registered voter of the State of New Jersey.
2. I have read the contents of the Verified Complaint, incorporate same by reference, and state that they are true to the best of my knowledge, information, and belief.

I hereby certify that the foregoing statements made by me are true. I am aware that if any such statement is willfully false, I am subject to punishment.

Dated: June 24, 2024

Scott Salmon
Scott D. Salmon, Esq.

Exhibit A

Image# 202304059579709672

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FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Kennedy, Robert, F, , Jr.		
(b) Address (number and street) <input type="checkbox"/> Check if address changed 600 West Broadway Suite 1400		2. Candidate's FEC Identification Number P40011793
(c) City, State, and ZIP Code San Diego CA 92101		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)
4. Party Affiliation DEMOCRATIC PARTY	5. Office Sought Presidential	6. State & District of Candidate 00

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2024 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Team Kennedy		
(b) Address (number and street) PO Box 147		
(c) City, State, and ZIP Code S Walpole MA 02071		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)		
(b) Address (number and street)		
(c) City, State, and ZIP Code		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Kennedy, Robert, F, , <i>[Electronically Filed]</i>	Date 04/05/2023
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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Exhibit B

Image# 202310179598479800

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FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Kennedy, Robert, F, , Jr.		
(b) Address (number and street) <input type="checkbox"/> Check if address changed 600 W Broadway Ste 1400		2. Candidate's FEC Identification Number P40011793
(c) City, State, and ZIP Code San Diego CA 92101-3377		3. Is This Statement <input type="checkbox"/> New (N) OR <input checked="" type="checkbox"/> Amended (A)
4. Party Affiliation INDEPENDENT	5. Office Sought Presidential	6. State & District of Candidate ZZ 00

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2024 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Team Kennedy		
(b) Address (number and street) PO Box 147		
(c) City, State, and ZIP Code South Walpole MA 02071-0147		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)		
(b) Address (number and street)		
(c) City, State, and ZIP Code		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Kennedy, Robert, F, , Jr.	Date 10/17/2023
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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Exhibit C

KEVIN N. STARKEY, ESQ. (ID: 032981990)
STARKEY, KELLY, KENNEALLY, CUNNINGHAM & TURNBACH
2 Hooper Avenue
Toms River, New Jersey 08753
(732)701-3500 (Office)
(732)240-3777 (Facsimile)
Attorneys for Plaintiff

JOSEPH ABUTEL,

Plaintiff,

vs.

CHRISTINE GIORDANO HANLON, in her
capacity as Monmouth County Clerk,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:MONMOUTH COUNTY

DOCKET NO.: MON-L- 1667-22

CIVIL ACTION

ORDER

THIS MATTER, having been brought before the Court by Kevin N. Starkey, Esq., of the law firm of Starkey, Kelly, Kenneally, Cunningham & Turnbach, attorneys for Plaintiff Joseph Abutel, for an Order seeking relief for the reasons set forth in Plaintiff's Verified Complaint and Order to Show Cause, and the Court having considered the matter, and for good cause being shown,

IT IS, on this 21st day of July, 2022,

DENIED

~~ORDERED that Defendant shall place Plaintiff's name on the ballot for the General Election on November 8, 2022 as an independent candidate for the office of Township Committee for Colts Neck Township, under the banner "The United Party", and~~

IT IS FURTHER ORDERED that a copy of this Order shall be served on all counsel within 7 days of the date hereof.

1st Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.

Application by plaintiff on OTSC is DENIED for the reasons set forth in the attached decision. Oral argument was heard on this OTSC application on July 21, 2022.



Monmouth Vicinage

LINDA GRASSO JONES, J.S.C.
Superior Court Judge

71 Monument Park • P.O. Box 1270 • Freehold, NJ 07728-1270

njcourts.gov • Tel: 732-358-8700

July 21, 2022

JOSEPH ABUTEL v. CHRISTINE GIORDANO HANLON
Docket No. MON-L-1667-22

DECISION

The court has received plaintiff Abutel's OTSC papers, including a brief with exhibits; an opposition brief with exhibits filed on behalf of defendant Monmouth County Clerk Christine Giordano Hanlon; and a reply letter brief by plaintiff. An initial order was issued on the OTSC on June 20, 2022 setting forth a briefing schedule and providing for a return date of July 21, 2022. Argument on the application was heard by the court on July 21, 2022.

There is no factual dispute presented on the present application, brought by way of an Order to Show Cause filed by plaintiff Abutel. Rather, the issue presented is one of interpretation of N.J.S.A. 19:13-8.1, specifically, whether plaintiff Joseph Abutel, who was a write-in candidate in the June 7, 2022 Republican primary election for a Colts Neck Township Committee seat, may be listed on the ballot for the November 8, 2022 general election as an independent candidate for that same Colts Neck Township Committee seat.

The New Jersey Supreme Court has indicated:

We have 'traditionally given a liberal interpretation to the election law.' Catania v. Haberle, 123 N.J. 438, 448, 588 A. 2d 374 (1991); see Wene v. Meyner, 13 N.J. 185, 197, 98 A. 2d 573 (1953);

Kilmurray v. Gilfert, 10 N.J. 435, 440-41, 91 A. 2d 865 (1952). ‘Election laws are to be liberally construed so as to effectuate their purpose. They should not be construed so as to deprive voters of their franchise or so as to render an election void for technical reasons.’ Kilmurray, supra, 10 N.J. at 440, 91 A. 2d 865 (citations omitted).

Although we have liberally construed the election laws, we have recognized that voting must remain subject to certain conditions. See, e.g., Stevenson v. Gilfert, 13 N.J. 496, 100 A. 2d 490 (1953); Wene, supra, 13 N.J. at 192-93, 98 A. 2d 573. States may ‘impose such other conditions as may be reasonably necessary to prevent election fraud and to facilitate administration of the electoral process.’ Note, Primary Elections: The Real Party in Interest, 27 Rutgers L. Rev. 298, 301 (1974).

[Lesniak v. Budzash, 133 N.J. 1, 7 (1993).].

N.J.S.A. 19:13-8.1, adopted by the New Jersey Legislature in 1998, effective January 1, 1999 and titled “Petitions filed after deadline; ineligible candidates,” states as follows:

No petition for direct nomination ... shall nominate to any elective public office a candidate who unsuccessfully sought the nomination of a political party to that office in the primary election held in the same calendar year and no unsuccessful primary candidate shall sign an acceptance of such a petition for direct nomination. [emphasis added.]

No cases have been cited to the court by the parties in this matter, and none have been found by the court, specifically analyzing or interpreting this statutory provision.

Breaking down the language of the statute, there is no dispute that plaintiff Abutel “filed a petition for direct nomination.” Plaintiff Abutel filed a petition to have his name placed on the November 8, 2022 general election ballot as an independent candidate for a position on the Colts Neck Township Committee.

There is no dispute that the petition for direct nomination filed by Abutel nominated Abutel to an elective public office. The petition filed by Abutel requested that Abutel be placed on the

ballot as an independent candidate for a position on the Colts Neck Township Committee, which is an elective public office.

The parties disagree as to whether Abutel had unsuccessfully sought the nomination of a political party to that office. Both plaintiff Abutel and defendant Hanlon have provided documents to the court setting forth plaintiff Abutel's efforts, engaged in from late April through early June 2022, in an effort to obtain the Republican primary nomination through a write-in campaign. Sue Fitzpatrick appeared on the primary ballot in the June 7 primary election as a candidate for the Republican party for the Township Committee seat. Abutel did not appear on the primary election ballot as a candidate for the Republican nomination. Abutel did, however, conduct a write-in campaign to obtain the Republican nomination.

The brief submitted by plaintiff Abutel and by defendant Hanlon each had documents attached that the parties rely on in support of their arguments. Neither submission contained a certification attesting to what the documents were, or that they were true and accurate copies of the documents presented. Defendant Hanlon has not objected to the documents provided by Abutel in his initial submission to the court, and plaintiff Abutel has not objected to the documents provided by Hanlon in the opposition submission, and the court is thus accepting and relying on the documents submitted by the parties in deciding Abutel's application.

Abutel's attempt to win the Republican nomination in the June 2022 primary election as a write-in candidate was unsuccessful. On June 7, the primary election date, Abutel filed a timely petition requesting that he be placed on the ballot in the November 2022 general election as an independent candidate. Sue Fitzpatrick, the successful Republican candidate in the June 2022 primary, submitted a written objection dated June 10, 2022 to Christine Hanlon, Monmouth County Clerk challenging Abutel's ability to appear on the ballot as an independent candidate due

to his prior write-in campaign for the Republican nomination. By letter dated June 16, 2022 Hanlon advised that she had determined that Abutel had “sought the nomination to run as the Republican candidate for Colts Neck Township Committee via the June 7th primary election process. Because of that reason, Mr. Abutel is no longer able to utilize the petition process for general election ballot access.”

Abutel contends that because he did not run in the primary election on the ballot as a candidate for the Republican nomination, but rather requested voters to write in his name, he did not “unsuccessfully [seek] the nomination of a political party...” Abutel argues that the County Clerk “has zero discretion to make” a determination as to whether Abutel had “sought the nomination” as a write-in candidate. Abutel indicates in his reply submission, “[to] grant the County Clerk discretion here, without any clear standards to guide such discretion, would create a chaotic and uncertain petition process, that the Election Law is intended to avoid.” Hanlon contends that Abutel sought in his write-in campaign the nomination of the Republican party in the primary election and thus may not appear on the printed ballot as an independent candidate for the Colts Neck Township Committee position.

There is no dispute between the parties that Abutel currently seeks the same office, that of a position on the Colts Neck Township Committee, that he sought in the primary election, and that the primary was held in 2022, the same calendar year as the general election in which Abutel seeks to be placed on the ballot as an independent candidate.

The statute in question provides that “no unsuccessful primary candidate shall sign an acceptance of such a petition for direct nomination.” This aspect of the statute likewise is contingent upon the legal question of whether Abutel is an “unsuccessful primary candidate.” As indicated by the New Jersey Supreme Court in Sadlock v. Allan, 25 N.J. 118, 124 (1957):

[A] candidate's name will appear on the printed ballot for the general election (1) if he participates in and is successful at the primary, or (2) if he foregoes the primary and accepts direct independent nomination by petition.

* * * * *

Manifest ... is the legislative design to protect the integrity of the nominating process at primary elections and to withhold the privilege of inclusion on the allot printed at public expense of the name of a person who assumes the cloak of an independent candidate after professing membership in a particular party, adherence to its general principles, and on that basis seeking the designation as a standard bearer of the party for elective office.

Sadlock was decided in 1957, however, over 40 years before N.J.S.A. 19:13-8.1 was adopted by the New Jersey Legislature, and thus does not address the specific issue presented in this matter.

Abutel contends that it was not within Hanlon's role as County Clerk to determine whether Abutel's write-in candidacy in the Republican primary constituted an effort by Abutel to seek the nomination of the Republican party for the Colts Neck Township Committee position as envisioned under N.J.S.A. 19:13-8.1.

Abutel's petition requesting placement on the November 2022 general ballot was filed pursuant to N.J.S.A. 19:13-9. Fitzpatrick's objection to Abutel's petition was filed pursuant to N.J.S.A. 19:13-10. N.J.S.A. 19:13-11 provides, in relevant part:

[t]he officer with whom the original petition was filed shall in the first instance pass upon the validity of such objection in a summary way unless an order shall be made in the matter by a court of competent jurisdiction and for this purpose such officer shall have power to subpoena witnesses and take testimony or depositions. [S]he shall file [her] determination in writing in [her] office on or before the ninth day after the last day for the filing of petitions, which determination shall be open for public inspection.

Pursuant to N.J.S.A. 19:13-12, a judicial hearing on the County Clerk's decision can be requested, as was done in the present matter by plaintiff Abutel.

As determined by the New Jersey Superior Court, Appellate Division in Caltabiano v. Gill:

County clerks are entrusted by the Legislature with significant authority in election matters. Schundler v. Donovan, 377 N.J. Super. 339, 347, 872 A. 3d 1092 (App. Div.), aff'd o.b., 183 N.J. 383, 874 A. 2d 506 (2005). Recognizing the role of county clerks in these matters and their expertise, courts are reluctant to substitute their judgment for 'the considered choices made by the county clerks.' Id. 377 N.J. Super. at 345, 872 A. 2d 1092. "In circumstances where the county clerk's discretion is subject to review, 'it is not for a court to choose one of several reasonable courses, for that choice is precisely what the Legislature left to another.'" Sooy v. Gill, 340 N.J. Super. 401, 414, 774 A. 2d 635 (App. Div. 2001) (quoting Richardson v. Caputo, 46 N.J. 3, 9, 214 A. 2d 385 (1965)). "However, where the county clerk's discretion is not 'rooted in reason, the bounds of delegated authority have been exceeded and it is the duty of the court to say so.'" Ibid. (quoting Richardson, supra, 46 N.J. at 9, 214 A. 2d 385).

[449 N.J. Super. 331, 337 (App. Div. 2017).]

N.J.S.A. 19:13-8.1 does not contain any language, and there is nothing in the legislative history as cited by Hanlon in her opposition brief, that would indicate that the discretion normally afforded to the County Clerk in election matters is limited or eliminated with reference to the statute in question. Hanlon had the ability to review the issue and determine the issue placed before her in the objection filed by Fitzpatrick.

As provided in N.J.S.A. 19:13-12 and addressed in Caltabiano, Hanlon's determination that Abutel was not permitted to be placed on the ballot for the general election as an independent candidate is subject to review by this court. The court has considered the arguments presented by the parties and the documents submitted in the OTSC submission, opposition and reply, and is satisfied that Hanlon's determination that Abutel may not be placed on the ballot as an independent candidate for the November 8, 2022 general election should not be disturbed. The court has been

presented with a campaign for elected office launched by Abutel with multiple documents in which he describes himself as a Republican primary candidate for the June 2022 primary election. Abutel established a campaign website (www.Abutel.com); drafted and shared with potential voters a campaign position statement; established a campaign email (abutelfortownship@gmail.com); purchased and placed lawn signs within the Township, identifying Abutel as a write in candidate for the June 7th Republican Primary for the Township committee seat; and sent out campaign mailings. The court is satisfied that Hanlon's determination that Abutel was a candidate who unsuccessfully sought the nomination of a political party for a seat on the Colts Neck Township Committee is correct, and Abutel is thus not permitted to appear on the printed ballot for the November 8, 2022 election.

The voters of Colts Neck will not be disenfranchised of their right to vote for Abutel as an independent candidate for the Colts Neck Township Committee in the November 8, 2022 general election. See Lesniak v. Budzash, 133 N.J. 1, 7 (1993). Abutel is of course permitted to seek the vote of his fellow Colts Neck Township residents in the general election as a write in independent candidate. See Council of Alternative Political Parties v. Hooks, 179 F. 3d 64, 69 (3rd Cir. 1999); Sadlock v. Allan, 25 N.J. at 126, (quoting Rose v. Parker, 91 N.J.L. 84 (Sup. Ct. 1917)). He can operate a campaign in the general election using a website, lawn signs, email account and political mailings identifying himself as an independent candidate for the Colts Neck Township Committee. Pursuant to N.J.S.A. 19:13-8.1, however, he cannot petition for direct nomination as an independent candidate, and cannot appear on the ballot as an independent candidate.

The relief requested by Abutel in the OTSC is thus **DENIED**.

/s/ Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.

Exhibit D

ORDER ON EMERGENT MOTION

JOHN A WASHINGTON AND LOUIS J
PASQUALE
V.
DALE A CROSS

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO.: A-000154-23T01
MOTION NO.: M-000324-23
BEFORE: PART D
JUDGE(S): MICHAEL J. HAAS
LISA A PUGLISI

MOTION FILED: 09/18/2023
ANSWERS 09/18/2023
FILED:
09/18/2023
09/18/2023

BY: LADAENA D THOMAS
BY: JOHN A. WASHINGTON and LOUIS J.
PASQUALE
BY: DALE A. CROSS
BY: SHARON WILLIAMS, THE
BOROUGH CLERK FOR THE
BOROUGH OF PENNS GROVE

SUBMITTED TO COURT: September 18, 2023

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 19th day of September, 2023, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT

MOTION FOR STAY

DENIED

SUPPLEMENTAL: In this emergent appeal, appellant LaDaena Thomas challenges the Law Division's September 13, 2023 order declaring Thomas's candidacy for mayor of Penns Grove in the November 2023 general election on the printed ballot to be "illegitimate or otherwise unlawful" and enjoining the Salem County Clerk from placing her name on the printed ballot for that contest. Exercising our authority under Rule 2:8-3(b), we summarily affirm.

I.

By way of background, and with particular relevance to the case at hand, there are several methods by which an individual may become a candidate for elected office in New Jersey. To compete in the general election for a partisan election, individuals can be nominated by their political party through the primary process, by direct petition as an independent candidate, or as a write-in candidate. N.J.S.A. 19:13-1; N.J.S.A. 19:14-2.1.

Candidates seeking to be placed on the ballot in the primary election process must file a nominating petition at least seventy-one days before the primary election. N.J.S.A. 19:23-14. If the statutory requirements are met, the candidate's name will appear on the primary election ballot in June. New Jersey also allows "write-in candidates" at both primary and general elections.

Individuals who seek to run as an independent candidate in a partisan municipal general election must submit a petition to the County Clerk by 4:00 p.m. of the day of

the primary election. N.J.S.A. 19:13-9. This year's primary election took place on June 6, 2023.

Petitions that conform with the requirements of Title 19 are deemed to be valid unless a written objection to the petition is received by the County Clerk no later than 4:00 p.m. on the fourth day after the filing deadline. N.J.S.A. 19:13-10. In this case, the deadline for objections was June 12, 2023, because June 10, 2023 fell on a Saturday. See R. 1:3-1.

If an objection is received, the County Clerk must make an initial review "upon the validity of such objection in a summary way," and must issue a written determination of the objection within nine days following the filing deadline. N.J.S.A. 19:13-11. This year, that date was June 15, 2023. An objector may appeal the County's Clerk's Decision to the Superior Court in the county where the petition was filed within twelve days of the filing deadline. N.J.S.A. 19:13-12. This year's deadline was June 19, 2023. See R. 1:3-1.

II.

Thomas is currently the mayor of Penns Grove. She obtained this position by defeating plaintiff John A. Washington in the November 2019 general election. In that contest, Thomas ran as an independent and Washington was the Democratic Party's candidate.

On March 24, 2023, Washington submitted a petition to have his name placed on the June 6, 2023 primary ballot as a candidate seeking the Democratic Party's nomination for the mayor position. Washington was the only individual who filed such a petition for any political party.

On June 6, 2023, Thomas filed a direct petition to the Salem County Clerk to have her name placed on the November 7, 2023 general election ballot as an independent candidate for mayor. Thomas was the only candidate who filed a petition as an independent candidate. The County Clerk deemed the petition valid and accepted it as timely filed pursuant to N.J.S.A. 19:13-9.

The votes were later counted for the June 6, 2023 primary election. Washington won the mayor's race for the Democratic Party with 184 votes. However, Thomas received 107 write-in votes in the Democratic Party primary for mayor. She also received twelve write-in votes in the Republican Party primary for mayor. Plaintiff Louis J. Pasquale won the Republican Party primary for this position with thirteen votes.

Thus, as of June 6, 2023, there were three candidates on the general election ballot: Washington for the Democratic Party, Pasquale for the Republican Party, and Thomas as an independent candidate.

On June 14, 2023, however, Washington hand-delivered a written objection to Thomas's petition with the County Clerk. Washington alleged that Thomas was barred

from filing a petition as an independent candidate in the general election by N.J.S.A. 19:13-8.1, which is commonly referred to as New Jersey's "Sore Loser Law." This statute states:

No petition for direct nomination, including a petition filed pursuant to N.J.S.A. 19:13-19, which, for any reason, is filed after the deadline established in N.J.S.A. 19:13-9 shall nominate to any elective public office a candidate who unsuccessfully sought the nomination of a political party to that office in the primary election held in the same calendar year and no unsuccessful primary candidate shall sign an acceptance of such a petition for direct nomination.

[(emphasis added).]

Specifically, Washington alleged that Thomas unsuccessfully "campaign[ed] as [his] primary Democratic challenger . . . as a write-in candidate." In support of this claim, Washington referred to what he described as "numerous screen captures of Facebook posts by Ms. Thomas, illustrating the fact that she was actively campaigning against [him] while running in this recent primary." Because Thomas was not successful in her write-in challenge to Washington in the Democratic Party primary election, he argued that Thomas could not legally run as an independent candidate in the general election under the Sore Loser Law.

The Facebook postings referred to in Washington's complaint included the following:

A June 1, 2023 posting on Thomas's Facebook page¹ that stated:

¹ The heading on the Facebook page is "Mayor LaDaena Thomas."

Over the past few months, we have witnessed a slew of negative letters, posts, ads, and flyers from the Washington campaign and other folks who are in their feelings, lies about stealing money, fake charges, denigration of character and very little about the issues.

These vicious and negative ads say more about the Washington team than they do about me, [and two candidates for borough officers,] Qawaun White, and Jon Carter. You should be asking, "Is this what I want for the next four years?" "Is this what Penns Grove deserves?" This man and his team will go to any lengths to win!

The reason we've made such progress in Penns Grove over the last four years is that I choose to bring people together, not to divide them. I choose Hope over hopelessness, and I choose building over destruction. Even though this is a Democratic primary, you still have a choice as to where you want to go over the next four years. More importantly, you have a choice of where you don't want to go and that is backward.

As most of you know, I am an independent and will run in the General Election in November. However, you can put a stop to this nonsense by writing in "LADAENA THOMAS" as your choice for the Democratic candidate for Mayor on June 6th!

Please vote for Qawaun White and Jonathan Carter!

I'll say it now as I've said before! We are ONE Penns Grove and neither John Washington or anyone else will divide us!

On June 1, 2023, what appear to be flyers were posted on Thomas's Facebook page. One document states:

DAD, WHAT'S THAT DARK
SHADOWY PLACE OVER THERE?

THAT'S TEAM WASHINGTON
SON, AND YOU MUST NEVER GO THERE

Another post has a photograph of Thomas with the word "YES" underneath, next to a photo of Washington, with the word "NOPE" underneath. A flyer also lists both Washington's and Thomas's names and identifies Washington as the "Regular Democratic Party" candidate and states that "You MUST Write-In" Thomas. The flyer also contains information on polling place hours and locations in both English and Spanish.

A June 2, 2023 posting on Thomas's Facebook page stated:

Well, John Washington, the man who actually had an expungement event a few weeks ago to "help people expunge their criminal records" is at it again. Some of you may have received some documents purporting to be my "criminal record". The documents they sent you are false. No, I have never had a DUI in California or any other state. No, I have never been charged with or convicted of assault in California or any other state. The brazen lies are comical[,] but they are also sad! The question we should all be asking is why they need to resort to lies, smear, tactics, and character assassinations. He does it because he can't talk about anything he has done to address the issues in this town. All of the videos and all of the mailers won't change the fact that for 16 years the "Washington Team" did nothing for this Borough. So, while Mr. Washington is out making videos with outside money from people who will be looking for a reward, I will be continuously working to make Penns Grove better. We are one Penns Grove and John Washington will not divide us.

Vote for Jonathan Carter and Qawaun White for Borough Council! And if you can't stomach John Washington's dumb letters now through November- write in "LaDaena

Thomas" for Mayor on June 6th! Let's eliminate Mr. John Washington now!

On June 2, 2023, another flyer was posted on Thomas's Facebook page. The text of this document is in both English and Spanish. At the top, the flyer states:

Penns Grove Borough Mayor
4 Year Term-Vote for One

To the right and at the bottom of the page, there are photographs of both Washington and Thomas. Under Washington's photo, there is the word "NOPE." Under Thomas's photo, the word "YES" appears. The flyer also lists both Washington's and Thomas's names and identifies Washington as the "Regular Democratic Party" candidate and states that "You MUST Write-In" Thomas. The flyer also contains information on polling place hours and locations.

The Thomas Facebook page responded to several comments users made to these postings. When a commenter stated, "We need Mayor LaDaena Thomas back in office. Say Yes," the Thomas account responded, "Thank you! But they MUST write in 'LADAENA THOMAS' on the ballot for Mayor" and attached a copy of the voting information set forth in the flyers. In another comment, the Thomas account stated, "Please write my name in! Thank you!"

On June 20, 2023, Salem County Counsel sent a letter to Washington advising him that his objection would not be considered by the County Clerk because it was filed

on June 14, 2023, which was two days after the statutory deadline set forth in N.J.S.A. 19:13-10.

On August 7, 2023, Washington and Pasquale (collectively plaintiffs) filed a verified complaint for declaratory and injunctive relief in the Law Division challenging the legality of Thomas's candidacy. Plaintiffs alleged that Thomas violated the "Sore Loser Law" by actively campaigning as a write-in candidate in the June 6, 2023 Democratic Party primary. Because Washington defeated Thomas in that contest, plaintiffs argued she should be barred from the general election ballot under N.J.S.A. 19:13-8.1.

The County Clerk was the only named defendant. The Borough Clerk for the Borough of Penns Grove successfully moved to intervene in the action on August 30, 2023.

Thomas did not formally move to intervene in the matter, but the trial court permitted her to file papers in opposition to plaintiffs' request for relief. Her attorney also appeared at the September 13, 2023 hearing the court held to consider this matter.²

On September 10, 2023, Thomas was admitted to the hospital. On September 12, her attorney advised the court of her condition and that she would not be released from

² Washington claims that because she did not formally join this matter as a party in the trial court, Thomas lacks standing to prosecute this appeal. This argument lacks merit. R. 2:11-3(e)(1)(E).

the hospital until September 14. The attorney asked that the hearing be rescheduled for September 15 so Thomas could participate. The court denied this request.

At the September 13 hearing, the court explained that the doctor's note Thomas submitted indicated she was in the hospital and could not "continue with any kind of work-related activities." However, the note did not prohibit Thomas from observing the proceedings over Zoom if she were able to do so. Therefore, the court arranged for that to occur.³ In addition, neither Thomas nor her attorney had asked for the opportunity to have Thomas testify and, therefore, the court found that her presence was not necessary since her attorney was present to represent her at the hearing. In addition, the court pointed to the need to expedite the matter because the deadline for the printing and distributing ballots was fast approaching.

At the hearing on September 13, 2023, Thomas's attorney for the first time submitted a certification Thomas signed on September 5, 2023. In that certification, Thomas stated she "never actively campaigned during the primary and anytime [she] was asked, [she] indicated that [she] was not running in the primary election." She asserted she "never spent any money, knocked on doors or otherwise campaigned for the Democratic nomination." At the same time, however, Thomas indicated she was aware that John Rambo, a Republican borough council member, "decided that he was going to solicit people to write [Thomas's] name in during the Democratic Primary"

³ In his brief, Thomas's attorney states that Thomas did not watch the proceeding over Zoom on September 13 because she was being treated at that time.

because he was upset with Washington. Thomas stated she was "not aware of the actions taken by John Rambo and . . . played no part in those actions. Other individuals joined in his effort but [she] never requested them to do so."

Thomas stated that "nothing had been posted on [her] social media, regarding a write-in" until three days before the election. At that time, someone named "Mr. Brown who [had] co-control of [Thomas's] page, posted three items on the page." Thomas asserted she "was not aware of the postings until after the election and [the] fact they were only posted three days indicates that [she] put no effort into a write[-]in campaign."

On September 13, 2023, Thomas's attorney also submitted a certification prepared by Rambo on September 5. Rambo stated he was the "driving force behind the write-in effort and that . . . Thomas did not participate in and did not have any role in [his] actions." Rambo admitted he "told . . . Thomas that [he] was going to do this and that [he] was doing this on [his] own." Rambo stated that Thomas "did not encourage [him] and made clear that she was not going to campaign for this because she intended to run as an independent again."

The trial court had previously advised the parties that testimony would only be permitted if requested three days in advance of the hearing. However, due to the late submission of Thomas's and Rambo's certifications, the court determined it would permit Washington to present "limited testimony" by Irene Scarpaci, the campaign

manager for the Republican Party ticket in Penns Grove, on how she came into possession of the posts from Thomas's "mayoral" Facebook page.⁴ Thomas's attorney took the opportunity to thoroughly cross-examine Scarpaci at the hearing.

The trial court then entertained oral argument from all of the attorneys, including Thomas's attorney. At the conclusion of the hearing, the court made detailed findings of fact and conclusions of law based upon the record. In its thorough oral decision, the court concluded that Thomas "did unsuccessfully seek to win a primary election for the mayoral position in Penns Grove and, therefore, cannot be named on the printed ballot as an independent candidate under N.J.S.A. 19:13-8.1." Therefore, he enjoined the County Clerk from placing her name on the printed ballot, making clear that Thomas could still compete for the position as a write-in candidate.

In so ruling, the court primarily relied upon the postings that appeared on Thomas's public Facebook page,⁵ finding that "[t]hese postings make it clear that she was running in the Democratic primary as a candidate for a write[-]in election." The court stated:

The Court looks through the 10 postings that were provided, all of which have Mayor LaDaena Thomas written at the top.

⁴ The Facebook posts were exchanged during discovery.

⁵ The trial court briefly mentioned that Scarpaci gave "limited testimony" at the hearing. Although he found her credible, the court stated that Scarpaci's testimony mainly recapped the postings on Thomas's Facebook page.

They were done in the last, I guess, four or five days before the primary election occurred.

It provides pictures of Ms. Thomas. It has in multiple places what people are to do to have her write in her name against Mr. Washington and that's for the primary election.

One of the postings, which was toward the end, says she will run as an -- I think it was dated June 1st -- it says she will run as an independent candidate, but it also asks for them to write her name in as a democratic candidate for the mayor primary.

The trial court next addressed Thomas's claim that she was unaware that these postings were made to her Facebook page and, therefore, did not demonstrate that she was involved in seeking the Democratic Party nomination in the primary election. In rejecting this contention, the court explained:

Again, I think the position that Ms. Thomas has is that she was unaware of what these postings were, but they were done under her name.

She can't claim to turn a blind eye to it or lead us to believe that she had no idea it was happening. It was under her name, it was multiple days of it occurring, and she can't hold herself completely isolated to do that.

Simply because she was not the one who's actually pushing the button on the computer, or actually sending out the mailers or talking to the people, that doesn't mean that she didn't allow it to happen.

She knew that things were going on and she failed to do anything to stop it. She permitted it to continue.

Now there's nothing in this record showing that Ms. Thomas instructed these people not to put that information

into the public, and it was basically listing her as a candidate for the Democratic primary.

She can't purposefully isolate herself, if that's what she's essentially arguing in this case, to evade the purpose of the statute.

If that was the standard, political candidates could simply evade the Sore Loser Law by delegating all campaign responsibilities to someone else, and then remain ignorant of all those actions and then come back later and say well[,] I didn't know anything about those. I shouldn't be responsible for them.

This would subvert the purposes of the statute, which was to purify the politics of the state and give value to the primary elections.

It was also to -- allowing that to happen would also deprive the winner of the primary from the benefits of winning a primary election.

The trial court also rejected the County and Borough Clerks' contention that Washington filed his objection to Thomas's candidacy two days late. The court noted that the statutes cited by the Clerks related to challenges to the petitions filed by a prospective candidate while here, Washington's challenge was directed to the candidate herself.

Consistent with its oral decision, the trial court issued a conforming order on September 13, 2023. That order stated that Thomas's "candidacy . . . for Mayor of Penns Grove in the November 2023 General Election on the printed ballot as a candidate is illegitimate or otherwise unlawful. This order does not apply to a write-in

candidate." The court therefore enjoined the Salem County Clerk from placing Thomas's name on the printed ballot in the general election. The ballots are scheduled to be mailed out to the public on September 23, 2023.

On September 15, 2023, we granted Thomas's application for permission to file an emergent motion, granted a temporary stay of the trial court's order, and set an expedited briefing schedule. We specifically directed the parties to address the merits of the appeal. Thomas has filed an amended notice of appeal and a motion for a stay of the trial court's decision pending the conclusion of the appeal. Plaintiffs oppose Thomas's application and the Salem County Clerk and the Penns Grove Borough Clerk have also filed written submissions concerning the appeal.

III.

Our review of a trial court's fact-finding in a non-jury case is limited. Seidman v. Clifton Sav. Bank, S.L.A., 205 N.J. 150, 169 (2011). "The general rule is that findings by the trial court are binding on appeal when supported by adequate, substantial, credible evidence." However, we owe no deference to a trial court's interpretation of the law, and review issues of law de novo. Mountain Hill, L.L.C. v. Twp. Comm. of Middletown, 403 N.J. Super. 146, 193 (App. Div. 2008).

Applying these standards, we conclude that the trial court's factual findings are fully supported by the record, and in light of those facts, its legal conclusions are

unassailable. We affirm the September 13, 2023 order substantially for the reasons set forth in the trial court's oral decision, and add the following comments.

The language of N.J.S.A. 19:13-8.1 is clear. An individual "who unsuccessfully sought the nomination of a political party to [an] office in the primary election held in the same calendar year[,]" may not file a petition for direct nomination as an independent candidate in the general election. Here, the evidence clearly demonstrates that Thomas mounted a write-in campaign for the Penns Grove mayor position in the June 6, 2023 primary election. Multiple postings on the Thomas mayoral Facebook page, all written in the first person, solicit members of the public to write in her name as a candidate in the primary. Several posts include a flyer that instructs prospective voters to write-in Thomas's name and instructions on where and when to vote.

Contrary to Thomas's contentions, nothing in the statute limits its applicability only to candidates who seek to run in a primary by filing a formal petition. The plain language of the law applies to all candidates who "unsuccessfully sought the nomination of a political party" in the primary election. Through her Facebook posts, Thomas undoubtedly sought voter support as a candidate in the June 6, 2023 election. When, as here, the language of a statute "clearly reveals [its] meaning . . . the court's sole function is to enforce the statute in accordance with those terms." In re Estate of Fisher, 443 N.J. Super. 180, 190 (App. Div. 2015).

We conclude that the trial court correctly rejected Thomas's contention that she was not responsible for the postings on her Facebook page. As noted above, the postings are all written in the first person. If they were posted by another individual, they certainly conveyed the message to the reader that they were written and approved by Thomas. Thomas also conceded that that person "co-controlled" the page with her. As the trial court pointed out, Thomas never took down the postings or disavowed them.

Thomas argues that the trial court erred by denying her request for an adjournment of the hearing. We disagree. A trial court's decision to grant or deny an adjournment rests within its sound discretion. J.D. v. M.D.F., 207 N.J. 458, 480 (2011). The exercise of discretion must be "founded upon the reason and conscience of the judge, to a just result in the light of the particular circumstances of the case." State v. Hayes, 205 N.J. 522, 538 (2011).

Here, the trial court was faced with an emergent situation involving the conduct of an election. The hearing had long been scheduled. It is indeed unfortunate that Thomas needed medical care in the days immediately preceding and on the day of the hearing, but as the court noted, she was represented by capable counsel at the hearing. Thomas's attorney presented arguments on her behalf, provided certifications from Thomas and Rambo, and cross-examined Scarpaci following her limited testimony identifying the Facebook posts. Under all of these circumstances, we detect no abuse of discretion in the court's denial of Thomas's adjournment request.

We also find no basis for questioning the court's decision to allow Scarpaci to testify at the hearing. No one had requested the opportunity to present testimony at the hearing in advance. However, at the beginning of the hearing, Thomas's counsel presented Thomas's and Rambo's certifications, which drew into question the Facebook posts. Therefore, the court reasonably permitted Washington to call Scarpaci to identify the posts and explain how she obtained them. Thomas sustained no discernable prejudice from this procedure.

Thomas also complains that she was not formally joined as a party to this action, which sought to have the County Clerk remove Thomas's name from the ballot. However, the trial court ensured that Thomas received a copy of all of the papers and her attorney participated throughout the hearing. She was treated as a de facto party to this matter throughout the entire proceedings.

Finally, Thomas contends that the trial court should have denied Washington's request for relief because he did not submit his challenge to her petition until two days after the time period provided by N.J.S.A. 19:13-10 had expired. However, as the trial court held, this case involves a challenge to the eligibility of a candidate rather than to that candidate's petition. Because Thomas unsuccessfully sought the nomination of the Democratic Party as a write-in candidate in the June 6, 2023 primary, she is not eligible to be on the ballot for the mayor position in the general election under N.J.S.A. 19:13-8.1.

In sum, we affirm the trial court's September 13, 2023 order directing the County Clerk to remove Thomas's name from the printed ballot. Thomas may seek the mayor position as a write-in candidate. In light of this determination, we deny Thomas's motion for a stay of the September 13, 2023 order, and dissolve the temporary stay of that order that we entered on September 15, 2023.

Affirmed.

FOR THE COURT:



MICHAEL J. HAAS, P.J.A.D.

SLM-L-000146-23 SALEM

Exhibit E

Petition Check-off Sheet- 2024 General Election

- Yes No Candidate's name and address appears on each petition. (Names must appear the same on all filed petition booklets)
- Yes No Petition has been date and time stamped by the Division of Elections on the cover for each booklet.
- Yes No Correct General Election petition booklet is used for the office sought and petitions are bound in a set. (Top right corner of petition booklet)

Petition For:

- Electors of President and Vice President (minimum 800 signatures)
- United States Senate (minimum 800 signatures)
- United States House of Representative (minimum 100 signatures)

Congressional District No. _____
(House of Representatives)

Yes No Completed Petition Signature Confirmation Sheet (Separate Sheet)

Yes No Total Number of Signatures on each Booklet has been confirmed?

Total Number of Petition Booklets: 10

Total Number of Signatures on all Petition Booklets: 922

Peter Vallorosi
Candidate's Name

(Candidate's name as it appears on Certificate of Acceptance)

Residential Address _____ Municipality _____ Zip Code _____

Post Office Address _____ Municipality _____ Zip Code _____

Candidate's Email Address _____

If more than one candidate, list of additional candidates is attached to this sheet.

County	<u>End The Corruption</u>	Designation of party or principle not to exceed 6 words (Print)
County	<u>''</u>	Designation of party or principle not to exceed 6 words (Print)
County	<u>''</u>	Designation of party or principle not to exceed 6 words (Print)
County	<u>''</u>	Designation of party or principle not to exceed 6 words (Print)
County	<u>''</u>	Designation of party or principle not to exceed 6 words (Print)
County	<u>''</u>	Designation of party or principle not to exceed 6 words (Print)

- Yes No Slogans for Electors of President and Vice President or United States Senate are attached.
- Yes No Slogans for each county filled in where applicable.
- Yes No District list checked to make sure all counties in the district are listed for slogan purposes.
- Yes No Conducted a Business Name search on the Division of Revenue website to confirm if slogan is incorporated.
- Yes No If slogan includes name of an individual other than candidate or includes name of incorporated association or party slogan, written consent for the use of any such name must be attached.

- Yes No Affidavit of Circulator is completed and signed by circulator and notarized.
- Yes No AT LEAST ONE oath of allegiance, affirmation of allegiance or declaration of allegiance is completed and signed by candidate(s) and notarized. (Exception Choice for President petitions.)
- Yes No AT LEAST ONE certificate of acceptance is completed and signed by candidate(s)
- Yes No Has Candidate(s) filed for any other elective office? If yes, for what office: Primary

Comments: _____

Name of Petition Filer (Print Name): Peter Vallorosi Date: 6/3/24

Signature of Petition Filer (Sign Name): _____ Date: 6/3/24

Phone Numbers for Filer or Contact Person: (Day) _____ (Evening) _____

Email Address: _____

Petition in apparent conformity: Yes No If No, Why: Previously filed in the Primary Election. 19:13-8
But withdrew acceptance; Petition not accepted for filing.

Accepted for filing: Yes No If No, has a copy of petition been given to filer: Yes No Completed copy of this sheet given to filer: Yes No

Signature of Division of Elections Reviewer: Sandra Lewis Date: 6/3/24



STATE OF NEW JERSEY

DEPARTMENT OF STATE

P.O. Box 300
TRENTON, NJ 08625-0300

PHILIP D. MURPHY
Governor

LT. GOVERNOR TAHESHA L. WAY
Secretary of State

June 6, 2024

Mr. Peter Vallorosi
valotis@aol.com

Re: General Nomination Petition

Dear Mr. Vallorosi:

We are in receipt of your June 5, 2024 request to reconsider our position on the rejection of your general nomination petition for the office of United States Senate for the November 5, 2024 General Election. In accordance with N.J.S.A. 19:13-8, no candidate shall sign an acceptance of nomination on a General Election petition for nomination for an office if the candidate has signed an acceptance of nomination on a petition for the Primary Election nomination for the same office. Further, pursuant to N.J.S.A. 19:13-8.1, no direct nomination petition shall nominate to any elective public office "a candidate who unsuccessfully sought the nomination of a political party to that office in the primary election held in the same calendar year and no unsuccessful primary candidate shall sign an acceptance of such a petition for direct nomination."

Because you previously submitted a petition for the June 4, 2024 Primary Election nomination of the Republican Party for the office of United States Senate, your general nomination petition filing is rejected.

If you have any questions, please do not hesitate to contact the Division of Elections at (609) 292-3760.

Sincerely,

Donna Barber

Donna Barber, Acting Director
NJ Division of Elections