



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW

To: County Clerks
Municipal Clerks
School Board Secretaries

From: AAG Donna Kelly
Division of Law

Date: April 9, 2014

Re: Empower Our Neighborhood, et al. v. Guadagno, et al.
Docket No. MER-L-3148-11

Plaintiffs in the above-captioned matter challenged the legal requirements for circulators of various petitions. On March 31, 2014, the Honorable Mary Jacobson, A.J.S.C., Assignment Judge of Mercer County, issued an opinion and order in the case. The order provides, in part, that the State provide a copy of the order to your offices. Accordingly, enclosed please find a copy of the order and opinion.

The March 31, 2014 Order is summarized as follows for your information:

1. Direct Nomination Petitions for local elective offices
Recall Petitions
School Board Nomination Petitions

- A circulator for such petitions is not required to be a registered voter or resident of the jurisdiction.
- A temporary injunction is now in place that requires such circulator, however, to be “voter eligible”, meaning he or she satisfies the age, citizenship and in-state residency requirements.

NOTE: This injunction is in place until December 31, 2014, or until the Legislature takes action to pass new legislation that addresses the issue of “voter eligibility”, whichever date comes earlier.

If there is no legislative action by December 31, 2014, the State, county, municipal, and school election officials must ensure that by February 2, 2015, the “voter eligibility” requirement is removed from all petitions and related documents.

- On or before April 30, 2014, these petitions must reflect the Court’s order, including an affidavit form for the circulator to use to attest to his or her voter eligibility as required by the Court’s temporary injunction. By this date, the older versions of the petitions in the possession of the election officials shall be destroyed and not made available to the public.

2. Primary Election Nomination Petitions

- A circulator for a primary election petition is not required to be a registered voter of the jurisdiction for which the petition is being circulated.
- A circulator for a primary election petition, however, must be a New Jersey registered voter in the political party of the candidate for whom the petition is being circulated.
- On or before April 30, 2014, these petitions must be reflect the Court’s order and the older versions in the possession of the election officials shall be destroyed and not made available to the public.

If you have any questions regarding enforcement of the March 31, 2014 order, you should contact your legal counsel.

c: County Boards of Election
County Superintendents of Elections