

ARCHER & GREINER, P.C.

JASON N. SENA, Esq. (#016842012)

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RED BANK, NJ 07701

732-268-8000

ATTORNEYS FOR PLAINTIFFS VICTORIA LODS, ANTONIO ROMERO,

JOSEPH SILEO AND CUMBERLAND COUNTY REGULAR REPUBLICAN ORGANIZATION

<p>VICTORIA LODS, ANTONIO ROMERO, JOSEPH SILEO and CUMBERLAND COUNTY REGULAR REPUBLICAN ORGANIZATION,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CELESTE M. RILEY, in her capacity as Clerk of the County of Cumberland; and CUMBERLAND COUNTY BOARD OF ELECTIONS,</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: CUMBERLAND COUNTY</p> <p>DOCKET NO.: CUM – L –</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">VERIFIED COMPLAINT</p>
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Plaintiffs Victoria Lods, Antonio Romero, Joseph Sileo and Cumberland County Regular Republican Organization, through their counsel Archer & Greiner, P.C. and by way of Verified Complaint against the Clerk of the County of Cumberland, Celeste M. Riley, in her official capacity (“County Clerk”) and the Cumberland County Board of Elections (the “Board of Elections”), alleges as follows:

PARTIES

1. Plaintiff Victoria Lods (“Lods”) is a resident of Cumberland County, currently serves on the Cumberland County Board of County Commissioners (the “Commissioner Board”), and is a candidate for office of Cumberland County Clerk in the upcoming November 5, 2024 General Election (the “Election”).

2. Plaintiff Antonio Romero (“Romero”) is a resident of Cumberland County, currently serves on the Commissioner Board as Deputy Commissioner Director and is a candidate in the Election for that office.

3. Plaintiff Joseph Sileo (“Sileo”) is a resident of Cumberland County, currently serves on the Commissioner Board as Commissioner Director, and is a candidate in the Election for that office.

4. Plaintiff Cumberland County Regular Republican Organization (“CCRRO”) is the official county committee of the Republican Party in Cumberland County. In addition to managing the Republican Party’s business at the county level, the CCRRO vets, endorses and supports Republican candidates for public office at all levels, including President, U.S. Senate, U.S. House and state and local offices.

5. Defendant Celeste M. Riley is the current Clerk of the County of Cumberland (the “County Clerk”), who is vested with certain constitutional and statutory duties and obligations, including designing and printing sample ballots, machine ballots, and mail-in ballot materials; issuing mail-in ballots; and conducting a drawing for ballot positions for elections held in Cumberland County.

6. Defendant Cumberland County Board of Elections is a public body which exists pursuant to N.J.S.A. 19:6-17 that is charged with, among other things, receiving, counting, investigating, curing (if necessary) and certifying vote-by-mail ballots, counting, certifying and curing (if necessary) provisional ballots, counting and certifying ballots cast using voting machines and keeping custody of Cumberland County’s voting machines.

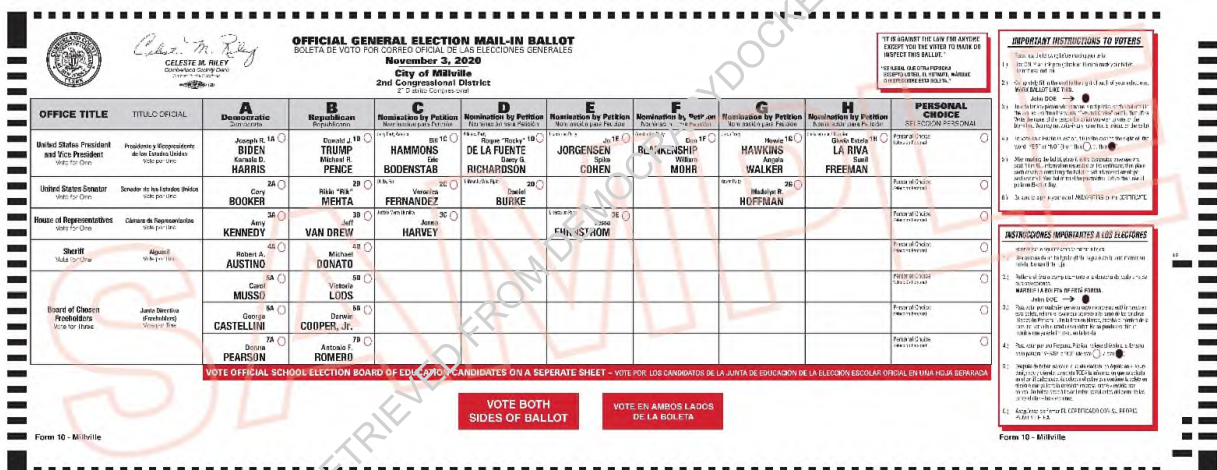
JURISDICTION AND VENUE

7. The Superior Court has jurisdiction over this election matter pertaining to ballots with respect to the General Election.

8. Venue is properly laid in Cumberland County because, as described below, the cause of action arose in Cumberland County and the public bodies involved in this litigation exist in Cumberland County.

BACKGROUND

9. In the 2020 General Election, the County Clerk designed a ballot featuring twenty-five (25) candidates for various public offices in Cumberland County. A copy of the sample ballot for the 2020 General Election is pictured below:



10. In the June 4, 2024 Primary Election, the Democrat and Republican parties in Cumberland County nominated candidates for the offices of President, U.S. Senate, U.S. House, County Clerk, County Commission and various local offices to run in the General Election.

11. The Democrat and Republican parties are currently the only two official political parties in the State of New Jersey entitled to conduct a primary election by ballot.

12. Plaintiff Lods was nominated by the CCRRO to be the Republican candidate for the office of County Clerk in the Election.

13. Plaintiffs Romero and Sileo were nominated by the CCRRO to run for reelection to the office of County Commissioner in the Election.

14. The CCRRO also nominated candidates for the office of President, U.S. Senate, U.S. House and various local offices.

15. Several independent candidates also filed direct nominating petitions for various offices. In total, twenty-five (25) candidates were either nominated by a political party or met the qualifications to run independently in the Election; the exact same number of candidates who appeared on the 2020 General Election ballot designed by the County Clerk.

16. At 3 o'clock in the afternoon on August 12, 2024, the County Clerk's staff conducted the statutorily required drawing for ballot position for the General Election pursuant to N.J.S.A. 19:14-12 due to the fact that the County Clerk voluntarily "recused" herself from her election duties.

17. Immediately prior to the draw, a Deputy Clerk publicly announced that "due to the large number of candidates on the ballot",¹ employees of the Clerk's Office unilaterally decided to implement a "block style" ballot for the Election. A recording of the August 12, 2024 ballot drawing can be found here: <https://www.facebook.com/cumberlandclerk/videos>.

18. The Deputy Clerk offered another public explanation in support of the abrupt change in ballot design: "to ensure greater cost efficiency for taxpayers in Cumberland County." (<https://www.facebook.com/cumberlandclerk/videos>).

19. Instead of placing the names of the Republican and Democratic parties into one drawing to determine which political party occupied the first and second ballot columns, and then placing the names of independent candidates into a second drawing to determine who

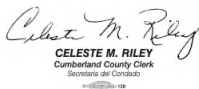
¹ Given the emergent nature of this case, no transcript of the August 12, 2024 ballot drawing was obtained. The quotes included herein are based upon the video of the August 12, 2024 ballot drawing.

occupied the remaining ballot columns, the County Clerk instead placed the name of *every candidate* for *each office* to be filled into a separate drawing by office, making no distinction between candidates who were nominated in the Democratic Primary Election, candidates who were nominated in the Republican Primary Election, and independent candidates.

20. As a result of this erroneously conducted drawing, candidates nominated by the Democrat and Republican parties received carrying ballot positions other than the first or second position required by statute.

21. Upon information and belief, neither the Defendant County Clerk nor any prior Cumberland County Clerk has ever previously conducted the drawing for ballot position on a General Election ballot in this fashion.

22. As a result of the erroneously conducted drawing, candidates nominated by the CCRRO are scattered around the General Election Ballot in random order; with Plaintiffs Romero and Sileo, who are running on the same slate for the same office, being split up on the ballot between candidates nominated by the Democratic party:



UNOFFICIAL GENERAL ELECTION BALLOT
 BOLETA UNOFICIAL DE LAS ELECCIONES GENERALES
November 5, 2024
County of Cumberland
2nd Congressional District



United States President and Vice President Vote for One Presidente y Vicepresidente de los Estados Unidos Vote por Uno		United States Senator Vote for One Senador de los Estados Unidos Vote por Uno		House of Representatives Vote for One Cámara de Representantes Vote por Uno		County Clerk Vote for One Secretaría del Condado Vote por Uno		Board of County Commissioners Vote for Two Junta Comisionados del Condado Vote por Dos	
Claudia DE LA CRUZ Karinna GARCIA Socialist And Liberation	1 <input type="radio"/>	Kamala HARRIS Tim WALZ Democratic	6 <input type="radio"/>	Christina KHALIL Green Party	1 <input type="radio"/>	Jeff VAN DREW Republican	1 <input type="radio"/>	Robert A. AUSTINO Democratic	1 <input type="radio"/>
Rachele FRUIT Margaret TROWE Socialist Workers Party	2 <input type="radio"/>	Randall A. TERRY Stephen E. BRODEN U.S. Constitution Party	7 <input type="radio"/>	Joanne KUNIANSKY Socialist Workers Party	2 <input type="radio"/>	Thomas CANNAVO Green Party	2 <input type="radio"/>	Joseph V. SILEO, Jr. Republican	2 <input type="radio"/>
Jill STEIN Samson KPADENOU Green Party	3 <input type="radio"/>	Joseph KISHORE Jenny WHITE Socialist Equality	8 <input type="radio"/>	Andy KIM Democratic	3 <input type="radio"/>	Joseph F. SALERNO Democratic	3 <input type="radio"/>	John P. CAPIZOLA, Jr. Democratic	3 <input type="radio"/>
Robert F. KENNEDY, Jr. Nicole SHANAHAN Independent	4 <input type="radio"/>	Donald J. TRUMP JD VANCE Republican	9 <input type="radio"/>	Robert MENENDEZ Menendez For Senate	4 <input type="radio"/>	Personal Choice Selección Personal	<input type="radio"/>	Antonio F. ROMERO Republican	4 <input type="radio"/>
Chase OLIVER Mike TER MAAT Libertarian Party	5 <input type="radio"/>	Personal Choice Selección Personal	<input type="radio"/>	Curtis BASHAW Republican	5 <input type="radio"/>	Personal Choice Selección Personal	<input type="radio"/>	Personal Choice Selección Personal	<input type="radio"/>
		Patricia G. MOONEYHAM Vote Better	6 <input type="radio"/>	Kenneth R. KAPLAN Libertarian Party	7 <input type="radio"/>	Personal Choice Selección Personal	<input type="radio"/>		

23. Similarly, Plaintiffs—who are all candidates of the Republican Party and who have a statutory right to be listed and associated with each other within the same “Republican” column on the ballot—are listed in random order in separate office blocks, without being placed in any consistent ballot position with Republican candidates running for other offices.

24. The County Clerk failed to design the General Election Ballot in a grid format with columns of candidates for each political party and rows for each office in the order specified by statute.

25. The County Clerk failed to design the General Election Ballot with the first two columns of the ballot consisting solely candidates of either the Democratic and Republican parties as required by statute.

26. On August 15, 2024, Plaintiffs’ counsel sent a letter to the County Clerk describing the aforementioned statutory violations and demanding that the County Clerk conduct a new ballot drawing and re-design the ballot, a copy of which is attached hereto as **Exhibit A**.

27. To date, the County Clerk has failed to confirm that these errors will be rectified.

FIRST COUNT

(VIOLATION OF N.J.S.A 19:14-12 – DRAWING FOR PARTY AND CANDIDATE
POSITIONS ON BALLOT)

28. Plaintiffs hereby repeat and incorporate the allegations contained in the preceding paragraphs as if they were set forth herein a length.

29. N.J.S.A. 19:14-12 requires the County Clerk to draw lots to determine which of the Democratic and Republican parties will occupy the first column on the left of the ballot, and which will occupy the second column; and then, in a separate drawing, to draw lots to determine the ballot column position of all independent candidates nominated by petition.

30. The language of the above statute is clear and unambiguous, and speaks in the imperative as to the obligations of the County Clerk to conduct drawings for ballot positions according to strict standards and in a specified manner.

31. The County Clerk does not have discretion to conduct the General Election ballot drawing in a different manner.

32. As described in the preceding paragraphs, the County Clerk conducted ballot drawing in a manner that failed to meet the standards of N.J.S.A 19:14-12, and the County Clerk has thus violated this statute.

33. As a result, the individual Plaintiffs were each placed in a separate drawing for each separate office up for election and have been given inconsistent positions on the General Election Ballot.

WHEREFORE, the Plaintiffs hereby demand:

- A. An Order or Judgment declaring the County Clerk's ballot drawings null and void and enjoining the County Clerk and Board of Elections from printing any ballot or

programming any election software or voting machine based upon the erroneous ballot design;

- B. An Order or Judgment compelling the County Clerk to conduct new ballot drawings that conform to all applicable and mandatory statutory provisions;
- C. An award of reasonable attorneys' fees and costs; and
- D. Such other, relief as the Court may deem equitable and just.

SECOND COUNT

(VIOLATION OF N.J.S.A 19:14-6, N.J.S.A 19:14-8, AND N.J.S.A 19:14-10 – POSITION OF CANDIDATES' AND PARTIES' NAMES ON BALLOT)

34. Plaintiffs hereby repeat and incorporate the allegations contained in the preceding paragraphs as if they were set forth herein a length.

35. N.J.S.A. 19:14-6 requires the County Clerk to prepare General Election ballots with “columns at the extreme left [listing] the name of each of the political parties which made nominations at the next preceding primary election[.]”

36. N.J.S.A. 19:14-8 requires the County Clerk to prepare General Election ballots such that “[i]n the columns of each of the political parties which made nominations [in the primary election] and in the personal choice column . . . there shall be printed the title of each office to be filled at such election” in the following specified order:

[E]lectors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies, and any other titles of office.

[Id.]

37. N.J.S.A. 19:14-10 requires the County Clerk to prepare General Election ballots such that the “title[s] of each office for which nominations by petition have been made . . . shall be arranged” by the same method and in the same order as titles of offices for which nominations have been made by primary election, pursuant to N.J.S.A. 19:14-8.

38. The language of the above statutes is clear and unambiguous, and speaks in the imperative as to the obligations of the County Clerk to design the ballot according to strict standards.

39. The County Clerk does not have discretion to design a General Election ballot in a manner contrary to the applicable statutory provisions.

40. As described in the preceding paragraphs, the 2024 Ballot designed by the County Clerk violates N.J.S.A 19:14-6, N.J.S.A 19:14-8, and N.J.S.A. 19:14-10, and the County Clerk has thus violated these statutes in the designing the ballot.

41. As a result, the individual Plaintiffs were not placed in the statutorily-required “Republican” column on the General Election ballot with all other candidates nominated by the Plaintiff CCRRO. Plaintiffs Romero and Sileo are even split up on the ballot and interspersed with other candidates running for the same office.

42. As a result, the other candidates nominated by the CCRRO for other offices are similarly scattered around the ballot and not placed on the required “Republican” column.

WHEREFORE, the Plaintiffs hereby demand:

- A. An Order or Judgment declaring the ballot prepared by the Defendant County Clerk based upon the August 12, 2024 ballot drawing null and void and enjoining the County Clerk and Board of Elections from printing any ballot or programming any election software or voting machine based upon the erroneous ballot design;

- B. An Order or Judgment compelling the County Clerk to re-design the General Election Ballot to conform to all applicable and mandatory statutory provisions;
- C. An award of reasonable attorneys' fees and costs; and
- D. Such other, relief as the Court may deem equitable and just.

THIRD COUNT

(VIOLATION OF THE FUNDAMENTAL RIGHT TO VOTE)

43. Plaintiffs repeat and reassert all the allegations set forth in the foregoing paragraphs as if set forth herein at length.

44. The County Clerk's failure to follow the unambiguous requirements of Title 19 for drawing ballot position denies Plaintiffs the ballot position that they are statutorily entitled to and imposes a severe burden on the fundamental right to vote for a candidate for elective office as guaranteed by the New Jersey Constitution art. 2, § 1, ¶ 3 and the Fourteenth Amendment, and as implemented by N.J.S.A.10:6-2(c) of the New Jersey Civil Rights Act.

45. The constitutional and statutory provisions set forth above are intended to protect the fundamental right to vote and place clear obligations on the part of the County Clerk to design the General Election Ballot in an organized manner so that candidates from the same political party are listed together within the same column in ballot positions determined by a process set forth by statute, so as to avoid the likelihood of voter confusion and to support a clear and consistent ballot design.

46. As a result of the County Clerk's unlawful actions, the General Election ballot is confusing, gives inconsistent ballot positions to candidates from the same political parties, increases the likelihood that voters will be misled and confused by the scattered ballot position of candidates from the same political party; increasing the risk that voters' rights to make rational,

informed decisions in the 2024 General Election.

WHEREFORE, the Plaintiffs hereby demand:

- A. An Order or Judgment declaring the 2024 Ballot and the County Clerk's ballot drawing null and void and enjoining the County Clerk and Board of Elections from printing any ballot or programming any election software or voting machine based upon the erroneous ballot design;
- B. An Order or Judgment compelling the County Clerk to conduct a new ballot drawing and re-design the General Election Ballot to conform to all applicable and mandatory statutory provisions;
- C. An award of reasonable attorneys' fees and costs; and

FOURTH COUNT

(VIOLATION OF THE RIGHT OF ASSOCIATION)

47. Plaintiffs repeat and reassert all of the allegations set forth in the foregoing paragraphs as if set forth herein at length.

48. Article I, Section 6 and Section 18 of the New Jersey Constitution and the First Amendment to the United States Constitution protect the right of free speech and association.

49. State law recognizes that right and requires candidates nominated by an official political party to be listed in a column on a General Election Ballot.

50. Each of the individual Plaintiffs is entitled to exercise those associational rights by appearing on the General Election Ballot in the same columns as all other Republican candidates.

51. The CCRRO is entitled to exercise those associational rights by having all of the candidates nominated in the Primary Election appear in the same column on the General Election

Ballot.

52. The ballot designed by the County Clerk violates these associational rights by failing to list Plaintiffs within a single dedicated “Republican” ballot column contrary to the unambiguous requirements of applicable statutes governing ballot design.

WHEREFORE, the Plaintiffs hereby demand:

A. An Order or Judgment declaring the 2024 Ballot and the County Clerk’s ballot drawing null and void and enjoining the County Clerk and Board of Elections from printing any ballot or programming any election software or voting machine based upon the erroneous ballot design;

B. An Order or Judgment compelling the County Clerk to conduct a new ballot drawing and re-design the 2024 Ballot to conform to all applicable and mandatory statutory provisions;

C. An award of reasonable attorneys’ fees and costs; and

D. Such other relief as the Court may deem equitable and just.

FIFTH COUNT

(VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT)

53. Plaintiffs repeat and reassert all of the allegations set forth in the foregoing paragraphs as if set forth herein at length.

54. The New Jersey Civil Rights Act provides relief to any person who has been deprived or interfered with the enjoyment of any substantive due process or equal protection rights, privileges or immunities secured by the federal and state constitutions or implementing laws.

55. As described in the foregoing paragraphs, Defendant County Clerk deprived or

interfered with Plaintiffs' exercise of rights protected by the state and federal constitution, and the laws of New Jersey.

56. Defendant County Clerk acted under the color of state law when she violated Plaintiffs' rights.

57. As a result of the Defendant County Clerk's illegal actions, Plaintiffs have been damaged.

WHEREFORE, Plaintiffs demand judgment as follows:

- A. An Order or Judgment declaring the 2024 Ballot and the County Clerk's ballot drawing null and void and enjoining the County Clerk and Board of Elections from printing any ballot or programming any election software or voting machine based upon the erroneous ballot design;
- B. An Order or Judgment compelling the County Clerk to conduct a new ballot drawing and re-design the 2024 Ballot to conform to all applicable and mandatory statutory provisions;
- C. An award of monetary damages;
- D. An award of reasonable attorneys' fees and costs; and
- E. Such other, relief as the Court may deem equitable and just.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Jason N. Sena as trial counsel.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to R. 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. To the best of my belief, no other action or arbitration proceeding is pending or contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Respectfully submitted,

ARCHER & GREINER, P.C.
ATTORNEYS FOR PLAINTIFFS

BY: JASON N. SENA
JASON N. SENA, ESQUIRE

DATED: AUGUST 23, 2024

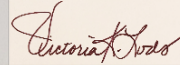
VERIFICATION

Victoria Lods, of full age, hereby certifies as follows:

1. I am a member of the Cumberland County Board of County Commissioners and one of the Plaintiffs in this action. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true.

2. I certify that the foregoing made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 23, 2024



VICTORIA LODS

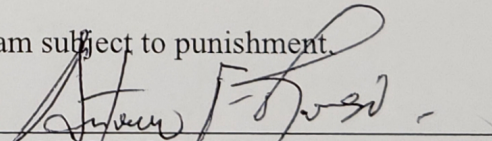
VERIFICATION

Antonio Romero, of full age, hereby certifies as follows:

1. I am the Deputy Commissioner Director serving on the Cumberland County Board of County Commissioners and one of the Plaintiffs in this action. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true.

2. I certify that the foregoing made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 23, 2024



ANTONIO ROMERO

VERIFICATION

Joseph Sileo, of full age, hereby certifies as follows:

1. I am the Commissioner Director serving on the Cumberland County Board of County Commissioners and one of the Plaintiffs in this action. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true.

2. I certify that the foregoing made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 23, 2024



JOSEPH SILEO

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VERIFICATION

Michael Testa, Jr., of full age, hereby certifies as follows:

1. I am the Chairman of the Cumberland County Regular Republican Organization, one of the Plaintiffs in this action. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true.

2. I certify that the foregoing made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 23, 2024



Hon. Michael Testa, Jr.

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EXHIBIT A

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Jason N. Sena

Member of New Jersey and New York Bars

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August 15, 2024

Via E-Mail (ccclerknj@cumberlandcountynj.gov) & Overnight Delivery

Hon. Celeste M. Riley, County Clerk
 Cumberland County Court House
 60 W. Broad Street
 Bridgeton, NJ 08302

Re: *Demand to Redo Ballot Position Drawing for November 5, 2024 General Election*

Dear Clerk Riley:

This office represents Victoria Lods, candidate for Cumberland County Clerk and Antonio Romero and Joseph Sileo, candidates for Cumberland County Commissioner. Please accept this letter as our clients' formal demand that the drawing for ballot position for the November 5, 2024 General Election be immediately redone in the manner required by N.J.S.A. 19:14-1, et. seq. and that your office immediately cease engaging in any further design, printing and/or voting machine programming that is based upon any ballot design resulting from the erroneous draw that occurred on August 12, 2024. By copy of this letter, we are notifying the Cumberland County Board of Elections of the same.

Pursuant to statute, each County Clerk was required to conduct the drawing for ballot position for the November 5, 2024 General Election on August 12, 2024 at 3:00 pm. N.J.S.A. 19:14-12 ("The drawing for the positions which the names of candidates and bracketed groups of names of candidates, nominated by petition for office, and for the columns which the political parties which made nominations [in the Primary Election] shall occupy upon the general election ballot, shall be held at 3 o'clock in the afternoon of the eighty-fifth day prior to the day of the general election.") While your office¹ conducted the drawing at the appointed time, the remaining statutory requirements governing the draw and design of the General Election ballot were inexplicably disregarded.

The manner in which the August 12, 2024 ballot drawing was conducted violates New Jersey law. For General Election ballots, each "county clerk shall draw lots [...] to determine the **political parties** which made nominations" in the Primary Election and "the name of the party first drawn shall occupy the **first column** at the left of the ballot, and the name of the party next drawn shall occupy the **second column**, and so forth." N.J.S.A. 19:14-12 (emphasis added). To

¹ It is our understanding that you recused yourself from the draw since the Office of the Cumberland County Clerk is up for election on November 5, 2024.

Hon. Celeste Riley, County Clerk

August 15, 2024

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accomplish this, each County Clerk is required to insert “paper slips with the names of each **political party** written thereon [into] capsules of the same size, shape, color and substance”, which are then drawn from the box in the specified manner to determine ballot order. N.J.S.A. 19:14-12 (emphasis added). Independent candidates nominated by direct petition are then placed in a separate drawing for the successive columns on the General Election ballot. Id.

Instead of placing the names of the Republican and Democratic parties into one drawing to determine which political party receives the first ballot position, you instead placed the name of every candidate for each office to be filed into a separate drawing by office; making no distinction between candidates who were nominated in the Democratic or Republican Primary Elections and independent candidates nominated by direct petition. This is a violation of the unambiguous terms of N.J.S.A. 19:14-12, which requires a drawing for the first columns on the General Election ballot to be done based upon political party; with the ballot order of independent candidates in the successive columns being determined by separate drawings for each office. Id.

The draft General Election ballot presented to the public by the Office of the County Clerk following the drawing, screenshots of which is enclosed here as **Exhibit A** (the “Draft Ballot”) also violates New Jersey law. The purpose of the drawing is “to determine which columns the political parties which made nominations at the next preceding primary election [and independent candidates nominated by petition] shall occupy on the ballot in the county.” N.J.S.A. 19:14-12. Title 19 provides specific instructions on how General Election ballots are to be designed following the draw: with dedicated columns designating the candidate’s nominated by each official political party, additional dedicated columns for independent candidates and separate rows listing each office to be filled by election in a statutorily specified order. See N.J.S.A. 19:14-6 (requiring “each column” to include “the proper word or words to designate the column, to be known as ‘column designation’” with the “columns at the extreme left [listing] the name of each of the political parties which made nominations at the next preceding primary election[.]”); N.J.S.A. 19:14-8 (“In the columns of each of the political parties which made nominations [in the primary election] and in the personal choice column, there shall be printed the title of each office to be filled at such election” in a specified order); N.J.S.A. 19:14-10 (imposing similar ballot design requirement and order for independent candidates); Axtel v. Caputo, 85 N.J. Super. 80, 83 (App. Div. 1964) (“the Legislature, by N.J.S.A. 19:14-12, gave a clear direction as to what lines were to be used and made it incumbent upon the county clerk to use the lines in the precise order in which they appeared”). There are no columns or rows on the Draft Ballot as required by law; just candidates appearing in office blocks in random order in violation of the statutory authority cited above. Worse, County Commissioner candidates running on competing slates who have right to appear on the ballot together are instead split up in random order. Clearly, the Draft Ballot is erroneous in many respects and must be corrected.

There was obviously a significant error made in your office at some point in this process. This is surprising given that the ballot designed by your office for the 2020 General Election, a copy of which is enclosed as **Exhibit B**, appears to comply with the provisions of Title 19 cited above. Demand is hereby made that your office conduct a new drawing for ballot position for

Hon. Celeste Riley, County Clerk

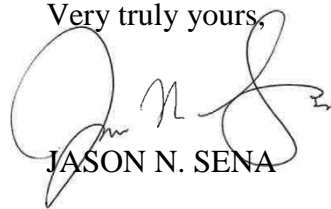
August 15, 2024

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the November 5, 2024 General Election and redesign the General Election ballot once the draw is successfully completed in accordance with Title 19.

We hope that this matter can be resolved without litigation. Given the impending deadlines for preparation of the General Election ballot, please contact me by Monday, August 19, 2024 to confirm that these errors will be corrected.

Very truly yours,



JASON N. SENA

Enclosures

JNS:noe

cc: Cumberland County Board of Elections (lizbethhe@CumberlandCountyNJ.gov)
Donna Barber, Acting Director, N.J. Division of Elections (Donna.Barber@sos.nj.gov)
Hon. Michael Testa, Cumberland County Regular Republican Organization (via e-mail)
Kevin McCann, Cumberland County Democrats (via e-mail)
Cumberland County General Election Candidates

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Hon. Celeste Riley, County Clerk
 August 15, 2024
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EXHIBIT A



UNOFFICIAL GENERAL ELECTION BALLOT
 BOLETA UNOFICIAL DE LAS ELECCIONES GENERALES
November 5, 2024
County of Cumberland
2nd Congressional District



United States President and Vice President Vote for One Presidente y Vicepresidente de los Estados Unidos Vote por Uno	
Claudia DE LA CRUZ Karina GARCIA Socialist And Liberation 1 <input type="radio"/>	Kamala HARRIS Tim WALZ Democratic 6 <input type="radio"/>
Rachelle FRUIT Margaret TROWE Socialist Workers Party 2 <input type="radio"/>	Randall A. TERRY Stephen E. BRODEN U.S. Constitution Party 7 <input type="radio"/>
Jill STEIN Samson KPADENOU Green Party 3 <input type="radio"/>	Joseph KISHORE Jerry WHITE Socialist Equality 8 <input type="radio"/>
Robert F. KENNEDY, Jr. Nicole SHANAHAN Independent 4 <input type="radio"/>	Donald J. TRUMP JD VANCE Republican 9 <input type="radio"/>
Chase OLIVER Mike TER MAAT Libertarian Party 5 <input type="radio"/>	Personal Choice Selección Personal <input type="radio"/>

United States Senator Vote for One Senador de los Estados Unidos Vote por Uno
Christina KHALIL Green Party 1 <input type="radio"/>
Joanne KUNIANSKY Socialist Workers Party 2 <input type="radio"/>
Andy KIM Democratic 3 <input type="radio"/>
Robert MENENDEZ Menendez For Senate 4 <input type="radio"/>
Curtis BASHAW Republican 5 <input type="radio"/>
Patricia G. MOONEYHAM Vote Better 6 <input type="radio"/>
Kenneth R. KAPLAN Libertarian Party 7 <input type="radio"/>
Personal Choice Selección Personal <input type="radio"/>

House of Representatives Vote for One Cámara de Representantes Vote por Uno
Jeff VAN DREW Republican 1 <input type="radio"/>
Thomas CANNAVO Green Party 2 <input type="radio"/>
Joseph F. SALERNO Democratic 3 <input type="radio"/>
Personal Choice Selección Personal <input type="radio"/>


County Clerk Vote for One Secretaria del Condado Vote por Uno
Celeste M. RILEY Democratic 1 <input type="radio"/>
Victoria K. LODS Republican 2 <input type="radio"/>
Personal Choice Selección Personal <input type="radio"/>

Board of County Commissioners Vote for Two Junta Comisionados del Condado Vote por Dos
Robert A. AUSTINO Democratic 1 <input type="radio"/>
Joseph V. SILEO, Jr. Republican 2 <input type="radio"/>
John P. CAPIZOLA, Jr. Democratic 3 <input type="radio"/>
Antonio F. ROMERO Republican 4 <input type="radio"/>
Personal Choice Selección Personal <input type="radio"/>
Personal Choice Selección Personal <input type="radio"/>

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Hon. Celeste Riley, County Clerk
 August 15, 2024
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EXHIBIT B



Celeste M. Riley
CELESTE M. RILEY
 County Clerk

OFFICIAL GENERAL ELECTION MAIL-IN BALLOT
 BOLETA DE VOTO POR CORREO OFICIAL DE LAS ELECCIONES GENERALES
November 3, 2020
City of Millville
 2nd Congressional District

IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU TO MARK OR IMPRINT THIS BALLOT.

NO ALBOL OTRA PERSONA DEBE MARCAR O IMPRINTAR ESTE BALOTO.

IMPORTANT INSTRUCTIONS TO VOTERS

- Mark only one choice for each office.
- Do not mark in the shaded area to the left of your choice.
- Do not mark in the shaded area to the right of your choice.
- Do not mark in the shaded area to the right of your choice.
- Do not mark in the shaded area to the right of your choice.
- Do not mark in the shaded area to the right of your choice.

OFFICE TITLE	TITULO OFICIAL	A Democratic Democrático	B Republican República	C Nomination by Petition Nominación por Petición	D Nomination by Petition Nominación por Petición	E Nomination by Petition Nominación por Petición	F Nomination by Petition Nominación por Petición	G Nomination by Petition Nominación por Petición	H Nomination by Petition Nominación por Petición	PERSONAL CHOICE ELECCIÓN PERSONAL
United States President and Vice President Vote for One	Presidente y Vicepresidente de los Estados Unidos Vote por Uno	Joseph R. 14 BIDEN Kamala D. 15 HARRIS	Donald J. 18 TRUMP Michael P. 19 PENCE	11 HAMMONS Die 12 BODENSTAB	13 DE LA FUENTE Dery 14 RICHARDSON	16 JORGENSEN Spina 17 COREN	18 BLANKENSHIP William 19 MOHR	20 HAWKINS Angela 21 WALKER	22 LA RIVA Sara 23 FREEMAN	Presidential Preference
United States Senator Vote for One	Senador de los Estados Unidos Vote por Uno	24 BOOKER	25 BIENTA	26 FERNANDEZ	27 BURKE	28 EHNRSTROM				Presidential Preference
House of Representatives Vote for One	Cámara de Representantes Vote por Uno	34 KENNEDY	35 VAN DREW	36 HARVEY						Presidential Preference
Sheriff Vote for One	Alcalde Vote por Uno	48 AUSTINO	49 DONATO							Presidential Preference
Board of Chosen Freeholders Vote for Three	Junta Directiva de Elección Vote por Tres	54 MUSSO	55 LUOS	56 CASTELLINI	57 COOPER, JR.	58 PEARSON	59 ROMERO			Presidential Preference

VOTE BOTH SIDES OF BALLOT

VOTE EN AMBOS LADOS DE LA BOLETA

INSTRUCCIONES IMPORTANTES A LOS ELECTORES

- Marque solo una opción para cada cargo.
- No marque en el área sombreada a la izquierda de su elección.
- No marque en el área sombreada a la derecha de su elección.
- No marque en el área sombreada a la derecha de su elección.
- No marque en el área sombreada a la derecha de su elección.
- No marque en el área sombreada a la derecha de su elección.

Form 10 - Millville

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