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REGULAR UNION COUNTY,
DEMOCRATS; and candidates
for County Committee

Plaintiff,

v.

UNION COUNTY CLERK,
UNION COUNTY BOARD OF
ELECTIONS PLAINFIELD
MUNICIPAL CLERK

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY

Civil Action

VERIFIED COMPLAINT

Plaintiffs Regular Democratic Organization of Union County, and Adrian Mapp (“Plaintiffs”), as and for their Verified Complaint in lieu of Prerogative Writs against Defendants, herein allege as follows:

NATURE OF THE ACTION

1. This is an emergent action seeking to remove several names, on the primary election ballot for the offices of members of the Union County Committee. The accompanying Order to Show Cause with Temporary Restraints seeks to restrain printing of the ballots for the Township of Plainfield until this matter can be resolved.

PARTIES

2. The Regular Democratic Organization of Union County, (RDO), is the Democratic organization at 1508 E. St. George Avenue, 1st Floor, Linden, New Jersey.

3. Adrian Mapp is a resident of the Township of Plainfield, and the trustee of the Regular Democratic Organization of Union County, entrusted with designating the candidates bracketed under the slogan “Regular Democratic Organization of Union County”.

4. Defendant Municipal Clerk of the Township of Plainfield is the election official charged with accepting and determining the sufficiency of nominating petitions for the office at issue in this matter, for approving the form of ballot for races in the Township of Plainfield, and for certifying that form to the County Clerk of the County of Union.

5. Defendant Union County Clerk is the official charged with determining the appearance of the primary election ballot, and with printing the ballots for the primary election in Union County, including the Township of Plainfield.

6. Steven Hatcher, Francisca Hatcher, Lillie McDonald, and Kelly Owens, Monesha Greer, Richard Wyatt, Karl Deane, Claudette Lovely Brown, Jerome Bailey, Howard Smith, Andrea Thompson, Martin P. Cox, Stephanie R. Kelly Cox, are candidates certified to appear on the ballot for the primary election for the office of member of the County Committee Member. These candidates have not received the requisite number of signors because several of the signature exemplars do not represent the person they purport to or have otherwise failed to comply with the requirements of Title 19.

FACTS

7. The primary election for State, County, and Municipal offices will be held in Union County, including the Township of Plainfield, on June 4, 2019 (the “Primary”).

8. In accordance with N.J.S.A. 19:23-6, Adrian Mapp filed with the Township Clerk nominating petitions signed by the requisite number of qualified voters, and that were subsequently certified as candidates to seek the nomination of the Democratic Party in the Primary Election.

9. Upon information and belief, other candidates did likewise.

10. By letter, dated April 15, 2019, the RDO and Adrian Mapp, through counsel, wrote to the Plainfield Municipal Clerk, seeking to object to the inclusion of several of the candidates' petitions.

11. Plaintiffs RDO and Adrian Mapp's request was denied, and Plaintiffs were advised that a court order would be required to invalidate the petitions that were submitted by several potential candidates set forth herein.

12. Plaintiffs have been advised by the County Clerk that printing of the ballots are scheduled to begin tomorrow.

COUNT ONE

13. Plaintiffs repeat the allegations contained in the foregoing paragraphs of this Verified Complaint, and reallege them as if set forth at length herein.

14. Upon information and belief, the signature exemplars of the following individuals appended hereto are not the signatures for the individuals who they purport to be. N.J.S.A. 19:13-5 sets forth the amount of signatures required for candidacy.

15. The undersigned has personally reviewed the signatures and they do not appear to be the signatures of the people they purport to be.

16. In accordance with the requirements set forth in N.J.S.A. 19:23-13, Plaintiffs have retained a handwriting expert for the purpose of invalidating several signature exemplars that do not resemble the signatures of the people that they purport to represent.

17. Plaintiffs, therefore, have retained a handwriting expert, pursuant to which, the signature exemplars on file in the County must be compared to the Petition signatures so that an expert analysis may be performed in order to determine whether the signatures are representative of the signatories they purport to represent. The expert will employ the use of magnifiers, lights, and equipment to aid in his evaluation. As such, a release of the signatures for the limited use the expert and attorneys only for the purpose of his evaluation and for use in the litigation herein, at the conclusion of which, the signature exemplars will be promptly destroyed.

18. Plaintiff has received notice that the Attorney General's Office, in representation of the Union County Superintendent of Elections, does not object to the release of said signatures on this limited basis and for this limited purpose.

19. The ballots are scheduled to begin printing. Upon information and belief, a short delay in printing will not prejudice the election officials in their preparation for the election.

20. However, if the County Clerk is permitted to commence printing the ballots for the Township of Plainfield prior to resolution of this dispute, the damage to Plaintiffs will be irreparable.

21. The candidates including Steven Hatcher, Francisca Hatcher, Lillie McDonald, and Kelly Owens, Monesha Greer, Richard Wyatt, Karl Deane, Claudette Lovely Brown, and Jerome Bailey should not be afforded an opportunity to run in the Primary despite their deficiency in the amount of authentic signatures received from residents residing in the district they are seeking to represent. Their failure to adhere to the petition requirements of candidacy requires that their candidacy be invalidated.

22. The RDO candidates who acquired the requisite amount of signatures as required under the statute and ensured that each signature was authentic by witnessing the signing, will be

prejudiced if Candidates that did not acquire the requisite amount of authentic signatures are permitted to qualify for candidacy despite their disregard for the petition requirements.

COUNT TWO

23. Plaintiffs repeat the allegations contained in the foregoing paragraphs of this Verified Complaint, and reallege them as if set forth at length herein.

24. Candidates Howard Smith, Andrea Thompson, Martin P. Cox, and Kasi McKoy Balmer should have their candidacy invalidated as in violation of both the affidavit of circulation and the certificate of acceptance, both of which require a candidate to be a member of the Democratic party. Neither of the candidates were or could have been a member of the Democratic party particularly as they circulated the petition. The candidates affirmed, however, that as the circulator they, “belonged to the political party named in said petition.”

25. The Candidates, therefore, affirmed upon his/her oath that they were members of the Democratic party as they circulated the Petition. They were, in fact, unaffiliated voters. Furthermore, following the completion of the signing of the Circulator section, the candidates signed the acceptance certifying for a second time that they are members of the Democratic Party. At all times relevant herein, they were not members of the Democratic party. These candidates, therefore, were not truthful and in fact signed under oath affirming membership to the Democratic party when they were not affiliated with any party.

26. If these candidates are permitted to pursue Candidacy, the voters in their Ward and District will be faced with an option to elect candidates that hold little to no regard for their own veracity and who accomplished their candidacy through a Petition affirmed under oath and affirming what was not and could not have been truthful at the time of their signing.

27. Further, the RDO candidates who ensured truthful affirmations and pursued the proper party affiliation in accordance to the oath that they signed, will be prejudiced if the requirements set forth in the statute and for which they adhered to is disregarded and the candidates who have failed to adhere to the statutory requirements are not invalidated.

COUNT THREE

28. Plaintiffs repeat the allegations contained in the foregoing paragraphs of this Verified Complaint, and reallege them as if set forth at length herein.

29. Candidates Martin P. Cox, and Stephanie R. Kelly Cox should have their candidacy invalidated as it in violation of N.J.S.A. 19: 13-5 requiring that “the petition shall be signed by legally qualified voters of this State residing within the district or political division in and for which the officer or officers nominated are to be elected.” As stated in the determination of the Municipal Clerk, several petition signers including Steven Hatcher, Francisca Hatcher, Lillie McDonald, and Kelly Owens are registered to vote in and reside in a different district. The invalidation of these names renders this petition invalid as a matter of course. These candidates should have their candidacy invalidated as they do not have the requisite amount of signatures required for candidacy.

30. If these candidates are permitted to pursue Candidacy, the registered voters in Ward 1, District 2 will be empowered to nominate a candidate for District 3. N.J.S.A. 19:13-5 requires that the Petition include the requisite number of voters residing in the District.

31. The RDO candidates whose petition was signed by the residents of the District that this candidate will represent will be prejudiced if a candidate is permitted whose signatures include non-residents in violation of N.J.S.A. 19:13-5.

WHEREFORE, Plaintiff seeks an order from this court:

A. Requiring Defendant, the Union County Board of Elections to release the signatures of certain named signature exemplars listed on the Petitions for the limited purpose of the use and analysis of a handwriting expert. The signatures requested include the following:

Asia Pearson	635 Stella Ave., Plainfield, New Jersey
Angel Payne	635 Stella Ave., Plainfield, New Jersey
Chris Payne	635 Stella Ave., Plainfield, New Jersey
Tanya Davis	975 W. Eight Street, Plainfield, New Jersey
Hyacanth Williams	975 W. Eight Street, Plainfield, New Jersey
Harold Burton	964 W. Eight Street, Plainfield, New Jersey
Amanda Burton	964 W. Eight Street, Plainfield, New Jersey
Elijah Edwards	1108 W. Eight Street, Plainfield, New Jersey
Rohan Edwards	1108 W. Eight Street, Plainfield, New Jersey
Delores Goodson	1833 Myrtle Ave., Plainfield, New Jersey
Jason Goodson	1833 Myrtle Ave., Plainfield, New Jersey
Dominga Blackmen	72 Mariners Ct., Plainfield, New Jersey
Mary Ann Pringle- Jones	80 Mariners Ct., Plainfield, New Jersey
Lihn J. Jones	80 Mariners Ct., Plainfield, New Jersey
Shandra D. Pringle	80 Mariners Ct., Plainfield, New Jersey

Said signatures shall be kept confidential and for use by the expert and attorneys only and will be destroyed pending the full resolution of the matter herein; and further,

B. Compelling Defendants to reject the petitions of, Steven Hatcher, Francisca Hatcher, Lillie McDonald, and Kelly Owens, Monesha Greer, Richard Wyatt, Karl Deane, Claudette Lovely Brown, and Jerome Bailey as in violation of N.J.S.A. 19:13.5 based on their failure to provide a petition with the required amount of qualifying signatures as required for Candidacy; and further,

C. Compelling Defendants to reject the petitions of Howard Smith, Andrea Thompson, and Kasi McKoy Balmer, as the Candidates are not affiliated with the Democratic party as contrary to their affirmation under oath as both candidates and as circulators; and further,

D. Temporarily restraining the County Clerk from printing only those ballots for the Primary Election to be used in the Township of Plainfield until the matters herein have been adjudicated.

E. Granting such other relief as the Court deems equitable and just.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:5-1(c), Katie Mocco, Esq., is hereby designated as trial counsel for Plaintiffs.

CERTIFICATION PURSUANT TO R. 4:5-1

The undersigned certifies that the matter in controversy is not the subject of any other action pending in any court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP
Attorneys for Plaintiffs

By: 
Katie Mocco, Esq.

Dated: April 15, 2019