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LEAGUE OF WOMEN VOTERS OF)	
NEW JERSEY and AMERICAN CIVIL)	SUPERIOR COURT OF NEW JERSEY
LIBERTIES UNION OF NEW JERSEY,)	MERCER COUNTY
)	LAW DIVISION
)	
Plaintiffs,)	Docket No.
)	
v.)	CIVIL ACTION
)	
TAHESHA WAY, in her official capacity)	
as Secretary of State of New Jersey, and)	VERIFIED COMPLAINT AND
ROBERT GILES, in his official capacity)	DESIGNATION OF TRIAL
as Director of the Division of Elections,)	COUNSEL
)	
Defendants.)	
)	

Plaintiffs, through their undersigned attorneys, state their Complaint as follows:

NATURE OF ACTION

1. This action is brought by the League of Women Voters of New Jersey and the American Civil Liberties Union of New Jersey to protect one of the most fundamental civil rights: the right to cast a ballot and participate in democracy. In the midst of a global pandemic in which over 16,000 New Jerseyans have lost their lives, and hundreds of thousands more have struggled with sickness, job loss, and new family care responsibilities, the State of New Jersey has not ensured that people displaced from their homes by COVID-19 will be able to vote in the general

election on November 3. By failing to act, the State of New Jersey is disenfranchising potentially hundreds of its residents.

2. As the country prepares for an unprecedented election during a public health crisis, New Jersey has undertaken a statewide system of vote-by-mail, so that no one in our state must choose between their health and suffrage. Yet the Department of State and Division of Elections have not sufficiently accounted for hundreds of displaced New Jerseyans who timely seek but do not receive a ballot by mail at their temporary address. In the July 7, 2020 primary election, Defendants Secretary Way and Director Giles did not provide a remedy to ensure these voters received ballots in time: as a result, 30 percent of all complaints from New Jerseyans to the Election Protection call center came from people who did not receive the ballot they needed to vote. Given the over six million registered voters in New Jersey, the dramatically higher turnout expected for the general election, and Defendants' failure to implement a meaningful process to account for these past errors, without immediate intervention the scale of disenfranchisement for displaced voters is tremendous.

3. Plaintiffs bring this action to enjoin Defendants from depriving displaced New Jerseyans of their right to vote, to equal protection of the law, and to substantive due process – and to seek this relief before November 3 when any legal action would be piecemeal, judicially burdensome, and fail to account for the magnitude of people impacted. The remedy Plaintiffs seek is within the capacity of Defendants to provide and free from concerns about misuse: Plaintiffs simply ask that displaced New Jerseyans whom County Boards of Elections can verify timely requested their ballots at their alternate address be electronically sent a blank ballot, upon the voter's request, if they have not received one by October 30; they would then be required to mark and mail the ballot as if they had received it initially by mail, averting any concern about electronic

interference. This is precisely the process that Defendants have agreed is appropriate for voters with disabilities.

4. Defendants are aware of the scale of potential disenfranchisement if they continue not to provide a meaningful remedy to displaced voters who, through no fault of their own, do not receive a ballot by mail at their temporary address. Yet Defendants have stated they are unable to provide a remedy, absent executive, legislative, or judicial order. Plaintiffs seek such an order from this Court to ensure all eligible New Jerseyans can cast their ballots by or before November 3.

VENUE

5. Venue is proper in Mercer County pursuant to *R. 4:3-2(a)*. While Defendants' actions and omissions harm the organizational Plaintiffs and their members throughout and even beyond New Jersey, the ultimate decisions leading to their disenfranchisement are made by Defendants in their capacities within the Department of State, located in Mercer County.

PARTIES

6. The League of Women Voters of New Jersey ("LWVNJ") is a membership organization dedicated to promoting civic engagement and protecting democracy through advocacy and voter education, assistance, and engagement. Founded in 1920, LWVNJ has approximately 1,450 members across New Jersey, many or most of whom are eligible to vote. LWVNJ has its offices in Trenton, New Jersey. It is the state affiliate of the League of Women Voters, which was officially founded in Chicago in 1920, just six months before the Nineteenth Amendment was ratified and women won the vote. Formed by the suffragists of the National American Woman Suffrage Association, the League began as a "mighty political experiment" designed to help 20 million women carry out their new responsibilities as voters. LWVNJ brings this action in its organizational capacity and on behalf of its individual members.

7. The American Civil Liberties Union of New Jersey (“ACLU-NJ”) is a private, non-profit, non-partisan membership organization dedicated to the principles of individual liberty embodied in the Constitution. Founded in 1960, the ACLU-NJ has approximately 35,000 members and supporters in New Jersey, many or most of whom are eligible to vote. The ACLU-NJ has its offices in Newark, New Jersey. It is the state affiliate of the American Civil Liberties Union, which was founded in 1920 for identical purposes, and is composed of more than 1,500,000 members and supporters nationwide. The ACLU-NJ brings this action in its organizational capacity and on behalf of its individual members.

8. Defendant Tahesha Way is the Secretary of State of New Jersey. She is New Jersey’s top election official, overseeing the Division of Elections. Secretary Way is sued in her official capacity.

9. Defendant Robert Giles is Director of the Division of Elections within the New Jersey Department of State. He is responsible for managing the state voter registration program including the online 2020 NJ Voter Information Portal and assisting county election officials, county clerks and the public on matters of election administration. Director Giles is sued in his official capacity.

FACTUAL ALLEGATIONS

New Jerseyans Displaced by COVID-19

10. That the COVID-19 pandemic has profoundly altered daily lives, institutions, and social norms now goes without saying. It is the new status quo, whose abrupt development each of us is still reeling from. In the early weeks of the public health crisis, New Jersey suffered among the hardest of any state. As of this filing, more than 16,000 New Jerseyans have lost their lives to COVID-19. Hundreds of thousands more have become sick with the virus, lost their jobs or

business, served as frontline healthcare and essential workers, juggled work-from-home and childcare responsibilities, lost sleep worrying about their loved ones' or their own medical vulnerability, and struggled to remain engaged in families, communities, and the political process as an election of enormous consequence approaches.

11. An unknown number, potentially in the tens of thousands, have had to leave their homes in New Jersey during the pandemic – because of changes to their income, employment, education, health, family care arrangements, and many other reasons. These New Jerseyans have been displaced from their homes by COVID-19.

12. Whether their current address is elsewhere in the county, state, or country, most of these displaced New Jerseyans remain New Jerseyans: they are still residents of the state and still eligible to vote in New Jersey elections. Many will have registered to vote in New Jersey before their displacement, but will notify their County Board of Elections of their new mailing address in time for the November 3 general election. It is the goal of this action to ensure vote-by-mail ballots find them at those addresses.

New Jersey's Vote-by-Mail System for the 2020 General Election

13. In light of the ongoing COVID-19 emergency, on August 14, 2020, Governor Phil Murphy signed Executive Order 177, directing that the November general election would be conducted primarily via vote-by-mail ballots.

14. In signing the Executive Order, Governor Murphy recognized that “failing to take proactive actions to mitigate the adverse impacts of the current health crisis on the upcoming November general election carries the risk of disenfranchising citizens.” Defendant Secretary Way stated, “Every voter deserves to participate in free, fair, and safe elections. By sending every New

Jersey voter their ballot in the mail, we are protecting the health of voters, elections workers, and our democracy.”

15. The New Jersey Legislature codified Executive Order 177 in statute. P.L.2020, c.72, §§ 2 through 5.

16. Tracking the language of Executive Order 177, effective August 28, 2020, N.J.S.A. 19:63-31 requires County Boards of Elections to send vote-by-mail ballots with pre-paid postage to all active registered voters automatically, without the need for voters to request a ballot by mail. It provides that voters have the option to send the ballot back by mail or return it through a secure drop box or at a polling location on Election Day.

17. N.J.S.A. 19:63-31 also modifies the time restrictions of N.J.S.A. 19:63-9, *inter alia*, to provide that vote-by-mail ballots must be mailed to all active voters on or before the 29th day before the November general election – in other words, by October 5. It extends the deadline for the return of ballots by mail, to account for the influx of ballots this year. Specifically, it requires County Clerks to count as valid all ballots returned through United States Postal Service (“USPS”) with a postmark on or before November 3, if received by 8:00 pm on November 10. It also requires counties to count as valid all ballots received by the Board of Elections within 48 hours of the closing of polls if they were missing a postmark or had been mis-marked but confirmed by the USPS as received on or before November 3.

18. By contrast, N.J.S.A. 19:63-31 provides that any person who votes in person at a polling place will cast only a provisional ballot, with the exception of certain accommodations for people with disabilities. It further directs that Secretary Way shall establish other appropriate standards for ensuring that all voters with disabilities are able to exercise their right to vote in the November general election. It says nothing about displaced voters.

19. Pursuant to these changes, the Department of State was to work with the Governor's Office to implement a new online voter registration system, to be launched on September 4. That system is currently available on the Division of Elections website as part of the 2020 NJ Voter Information Portal, which also contains information and Frequently Asked Questions about vote-by-mail ballots.

20. While N.J.S.A. 19:63-3(b) had provided that a person may apply for a mail-in ballot not less than seven days before the election, N.J.S.A. 19:63-31 modifies that deadline to an earlier date of October 23. Given that vote-by-mail ballots were to be automatically sent to active voters by October 5, the October 23 deadline appears to require an application only where the voter would not or does not otherwise receive their ballot by the October 5 date – for example, presumably, in the case of a person displaced by COVID-19 if the ballot is sent to their prior mailing address. Indeed, the Voter Information Portal instructs that if a voter has not received their ballot, they may apply for a ballot by October 23. Thereafter, they must get their ballot in-person from their County Clerk.

The 2020 Primary Election and Displaced Voters

21. This will not be the first time New Jerseyans have voted by mail during the COVID-19 pandemic. Following vote-by-mail local elections on May 12, the State instituted a process for the primary election on July 7 substantially similar to that established for the November general election.

22. On May 15, 2020, in preparation for the July 7 Primary, Governor Murphy signed Executive Order 144. It required County Boards of Elections automatically to send postage pre-paid vote-by-mail ballots to all registered Democratic and Republican voters and vote-by-mail applications to unaffiliated and inactive voters – a total of some 6.1 million registered voters.

23. Governor Murphy said this process ensured no New Jerseyan would “have to choose between their health and exercising their right to vote.” Defendant Secretary Way said, “By providing every voter access to a vote by mail ballot, we are protecting our residents and democracy.”

24. In fact, every voter did not get access to a vote-by-mail ballot in the primary election.

25. Election Protection, a national nonpartisan coalition made up of more than 100 local, state and national partners, works year-round to ensure that all voters have an equal opportunity to vote and have that vote count. One key component of Election Protection is a group of national voter-assistance hotlines operated in several languages. The Lawyers’ Committee for Civil Rights Under Law manages the national hotline in English. People seeking information about how to exercise their right to vote can call 1-866-OUR-VOTE, and volunteers with legal training will answer their questions.

26. In New Jersey, the law firm Lowenstein Sandler LLP ran the Election Protection call center in the 2012, 2016, and the upcoming 2020 presidential elections. The call center leaders work with partners including LWV NJ and the ACLU-NJ, who speak regularly during the months leading up to elections. In addition, representatives from the call center meet with Defendant Director Giles before every major election to anticipate and resolve issues.

27. For the 2020 primary election, the Election Protection call center operated on the day before and the day of the election, July 6 and 7.

28. During its two days of operation in July, the call center received reports that the vote-by-mail system did not successfully ensure that voters had the ballots they needed.

29. The call center received 138 complaints from New Jersey voters. Forty-one of those callers – or 30 percent – reported not having received vote-by-mail ballots at all, even though volunteers at the call center confirmed each of their registrations.

30. Because of the pandemic, a significant number of those callers had temporarily relocated either within New Jersey or out-of-state to live with family members or friends. Of these, the great majority had completed vote-by-mail applications to notify election officials of the temporary address at which they sought to receive their ballots.

31. These callers included people temporarily living at different addresses within New Jersey, as well as in California, Florida, New York, and North Carolina, who had applied for vote-by-mail ballots at their temporary addresses but had not received them. Some were students who had registered at their New Jersey college addresses but had been sent home when their colleges closed because of the pandemic.

32. Given that the complaints were received on Election Day or just the day before, there was little to nothing the call center workers could do other than to advise the person to risk their health by going to a polling place and casting a provisional ballot. Health risks notwithstanding, this was not possible if someone was unable to get to the polling place because of geography, transportation, or work schedules. Callers who could not get to their polling places to vote provisionally were disenfranchised.

Displaced New Jerseyans' Disenfranchisement Absent Judicial Intervention

33. The process for vote-by-mail ballots provided by Executive Order 177 for the November general election is substantially similar to that provided by Executive Order 144 for the July primary election. Nothing in these Executive Orders, the statute the codified portions of Executive Order 177, or in the Department of State's or Defendants' subsequent actions addresses

the issues that arose in July, in which 30 percent of voters who contacted the Election Protection call center had not received the ballot they needed to cast their vote by mail.

34. Absent additional action by Defendants, displaced New Jerseyans have no reason to believe Defendants will ensure they receive their ballot by mail in time for the general election. If anything, the difference between the primary and general elections suggest the scale of disenfranchisement will be significantly greater.

35. New Jersey presidential primaries have much lower turnout, and correspondingly lower call volume to the Election Protection hotline, than general presidential elections. For example, in the 2016 presidential primary, 26 percent of eligible New Jersey voters cast ballots. By contrast, in the 2016 general election, 68 percent of eligible New Jersey voters cast ballots.

36. As in the 2016 primary, in the 2020 primary, 26 percent of eligible New Jersey voters cast ballots – not including those who were disenfranchised because they did not receive the ballot by mail that they needed to vote. There is every reason to expect an equal or greater percentage of New Jerseyans wish to vote in the upcoming November general election as in the 2016 general election, and every reason to expect, like the July primary election, that a significant number will be disenfranchised unless Defendants are required to take immediate remedial steps.

37. In fact, the scale of disenfranchisement is likely to be even larger than the proportionate increase in voter turnout as compared to July. With a larger number of ballots to mail to registered voters, the administrative errors that resulted in voters in the primary election not receiving their ballots is likely only to increase.

38. Additionally, since July, the USPS, under a new postmaster general, has experienced major delays and other errors in delivery of USPS mail around the country, including in New Jersey.

39. As a result, delivery of ballots may be interrupted in ways not anticipated in July. Indeed, one of the distinctions in Executive Order 177 as compared to Executive Order 144 is Governor Murphy's acknowledgment that "recent reports have indicated that mail is taking longer for delivery than is typical[.]"

40. Governor Murphy, and the Department of State and Division of Elections in turn, have stated that New Jersey voters were to receive their ballots by mail by October 5. For voters who are at a temporary address, and if they have not yet modified their voter registration to reflect their new address, Executive Order 177 and the Voter Information Portal instructs them to apply for a ballot at that address by October 23. If New Jerseyans make this application and still have not received their ballot a week later, they will have good reason to expect their ballot will not arrive in time for them to postmark it by November 3.

41. Displaced New Jerseyans will have few options if they realize at the end of the month that they have no ballot to mark and return. Because of location and/or resources, not all will be able to drive to their County Clerk's office or polling location to ensure they receive the proper ballot with all district officers. Even if they were to appear in person, doing so would require them to put their health at risk, and potentially to cast a provisional ballot only. For displaced New Jerseyans who cannot access the Clerk's Office or polling location for any number of reasons, they will be disenfranchised.

42. The status quo requires displaced New Jerseyans to wait at their mailbox in the hopes a ballot will arrive in time. If it does not, they will be denied the right to vote.

43. This is not how the democratic process should operate: New Jerseyans should not have to wait on the mail carrier to discover if they have a right to vote. The current system requires

them to wait until it may be too late. Defendants have the ability to take action before it is. Yet they seem to believe they are unable to absent executive, legislative, or judicial order.

Defendants' Ability to Provide a Remedy

44. Defendants are well equipped to provide a remedy to displaced voters who notify their County Boards of Elections of their new mailing address and seek a ballot in time. Specifically, Defendants, by and through County Boards of Elections, can provide a meaningful process for displaced voters who timely request a ballot mailed to their present address by October 23 and, through no fault of their own, do not receive the ballot. In such cases, upon the voter's request, the County Board of Elections can electronically deliver (for example, by email) a blank ballot to the voter, who can print, mark, sign and return the ballot by mail to the Board of Elections in the time required under Executive Order 177 to be counted for the November general election.

45. Defendants have already agreed this process is feasible and appropriate for voters with disabilities. In a Memorandum of Understanding ("MOU") entered into with the Rutgers International Human Rights Clinic on June 19, 2020, the State agreed that for the July primary election and, if need be, for public health purposes, for the November general election, unvoted ballots could be electronically delivered to voters with disabilities, and the voter could print the ballot for hand marking and return the marked ballot by USPS or other non-electronic means.

46. As the MOU acknowledges, even before its signing, N.J.S.A. 19:59-1 to -16 provided for electronic delivery of ballots to military voters and other voters who are living outside the United States and were residing in New Jersey immediately prior to their departure. Unlike the MOU's provisions for voters with disabilities, the law goes even further for military and overseas voters: they are permitted to return their marked ballot by email, so long as they mail a copy as well. This dual-delivery process has been in place since 2008, and was previously available via

fax instead of email. It has been clearly administrable, but Plaintiffs do not even seek a dual-delivery process for displaced New Jerseyans.

47. Moreover, the State has faced circumstances of largescale voter displacement before – dramatically, in the November 2012 presidential election, which occurred just eight days after Hurricane Sandy struck New Jersey. There, Lieutenant Governor Kim Guadagno issued a series of directives allowing for the email delivery and return of ballots, to ensure voters’ displacement did not also mean their disenfranchisement. But as with the military and overseas example, Plaintiffs do not even seek such an email return process here. Instead, by seeking a remedy now, still several weeks before the general election, Plaintiffs hope to ensure displaced voters can timely return ballots by mail, to avert the issues that arose during Hurricane Sandy.

48. All Plaintiffs ask is that displaced voters be provided a remedy that Defendants have agreed is feasible and appropriate for voters with disabilities. The fact that the MOU – an agreement between parties in pending litigation, where the interests of displaced New Jerseyans were not represented – limits this process only to voters with disabilities does not prevent the State from protecting the voting rights of other New Jerseyans. Certainly, it cannot circumscribe the fundamental rights of displaced voters or preclude the Court from ordering this constitutionally required relief.

Plaintiffs’ Stake in the Matter

49. LWVNJ’s mission is to protect democracy through advocacy and voter education, assistance, and engagement. As such, it works to expand access to voting and to ensure its members and the members of the broader communities it serves have access to safe and effective means of casting a ballot. LWVNJ’s work includes promoting voter registration and assisting members and others to register to vote; providing information to the community about upcoming elections and

voting options; and encouraging its members and other eligible voters to get out and vote. When issues related to voting rights arise on or around Election Day, LWVNJ expends additional resources and staff time advising its members and connecting them to lawyers or others who can ensure their vote is counted.

50. The ACLU-NJ has worked on voting rights since the organization's founding, recognizing suffrage as a fundamental constitutional protection under both the United States and New Jersey Constitutions. The ACLU-NJ has litigated cases regarding the right to vote and has advocated at the State House for legislation protecting and expanding that right, including most recently to New Jerseyans on probation and parole. Each election, the ACLU-NJ publishes Know Your Rights and other public education material for its members and New Jerseyans more broadly, which it distributes in many ways, including through in-person and online presentations, email, and social media channels. The ACLU-NJ also works with coalition partners to respond to complaints received from the Election Protection call center on Election Day, often resulting in significant expenditure of staff time providing legal advice and frequently seeking judicial relief. Where possible, the ACLU-NJ seeks to work with the Department of State to ensure these issues of voter protection are addressed before they require litigation.

51. Defendants having failed to take adequate action to safeguard the voting rights of hundreds of displaced New Jerseyans, LWVNJ and the ACLU-NJ, as organizations, have a significant stake in this matter. LWVNJ's 1,450 members and the ACLU-NJ's 35,000 members, many or most of whom are eligible to vote and may themselves be displaced, also have a significant individual interest in ensuring their right to vote is protected.

52. Plaintiffs LWVNJ and the ACLU-NJ bring the claims in their Complaint accordingly.

**FIRST CAUSE OF ACTION
VIOLATION OF ARTICLE II, SECTION I, PARAGRAPH 3 OF
THE NEW JERSEY CONSTITUTION**

(Right to vote)

(brought directly under the New Jersey Constitution
and pursuant to N.J.S.A. 10:6-2(c))

53. The allegations of the preceding paragraphs are incorporated as if fully set forth herein.

54. The actions of Defendants described herein violate the right of New Jerseyans to vote in the November 2020 election for U.S. President, district officers, and ballot measures, in violation of Article II, Section I, Paragraph 3 of the New Jersey Constitution.

55. By failing to provide a meaningful process by which displaced New Jerseyans can receive and cast their ballots, Defendants are depriving potentially hundreds of New Jerseyans of the fundamental right to vote.

56. Unless the Court enjoins Defendants disenfranchising displaced New Jerseyans, Plaintiffs and their members will suffer irreparable harm.

**SECOND CAUSE OF ACTION
VIOLATION OF ARTICLE I, PARAGRAPH 1 OF
THE NEW JERSEY CONSTITUTION**

(Equal protection)

(brought directly under the New Jersey Constitution
and pursuant to N.J.S.A. 10:6-2(c))

57. The allegations of the preceding paragraphs are incorporated as if fully set forth herein.

58. The actions of Defendants described herein violate the right to equal protection of the law, in violation of Article I, Paragraph 1 of the New Jersey Constitution.

59. New Jerseyans have a fundamental right to vote, as guaranteed by Article II, Section I, Paragraph 3 of the New Jersey Constitution. Constituent to the right to vote in the

November 2020 general election, New Jerseyans have a right to receive and cast their ballot by mail, as guaranteed by N.J.S.A. 19:63-31 and N.J.S.A. 19:63-31.

60. By failing to ensure that New Jerseyans who are displaced due to the COVID-19 pandemic, for financial, health, familial or other reasons, are able to vote, Defendants are treating displaced New Jerseyans differently from those who were able to remain at their permanent address during the pandemic. In so doing, Defendants are depriving displaced New Jerseyans of equal protection of the law.

61. Unless the Court enjoins Defendants from continuing to treat displaced New Jerseyans differently from those who were able to remain at their permanent address, Plaintiffs and their members will suffer irreparable harm.

THIRD CAUSE OF ACTION
VIOLATION OF ARTICLE I, PARAGRAPH 1 OF
THE NEW JERSEY CONSTITUTION
(Substantive due process)
(brought directly under the New Jersey Constitution
and pursuant to N.J.S.A. 10:6-2(c))

62. The allegations of the preceding paragraphs are incorporated as if fully set forth herein.

63. Article I, Paragraph 1 of the New Jersey Constitution provides, “All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.” The right to vote is a fundamental right recognized by the New Jersey Supreme Court. It is protected by substantive due process under Article I, Paragraph I.

64. By failing to provide a process by which displaced New Jerseyans can receive and cast their ballot, Defendants are depriving displaced New Jerseyans of their fundamental right to vote.

65. Unless the Court enjoins Defendants from depriving displaced New Jerseyans of this fundamental right, Plaintiffs and their members will suffer irreparable harm.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request judgment against Defendants as follows:

(a) Immediate, preliminary and permanent injunctive relief, ordering Defendants to provide a process by which displaced New Jerseyans can receive and cast their ballot by mail consisting of the following:

1) Changes to the Department of State and Division of Elections' policies and practices to provide the following process for the November 3, 2020 general election:

a. Where a displaced New Jerseyan indicates that (i) they requested a ballot by mail by the October 23, 2020 deadline and that (ii) they have not received the ballot by mail by October 30, and (iii) the County Board of Elections has a record of the request, the Board of Elections shall, upon the voter's emailed or telephonic request, send a new ballot, a certification, and a waiver of secrecy to the voter by electronic means such as email, to be returned by mail;

b. Where a displaced New Jerseyan indicates that (i) they requested a ballot by mail by the October 23, 2020 deadline and that (ii) they have not received the ballot by mail, but (iii) the County Board of Elections does not have a record of the request, the voter may seek a judicial order and, if the court finds the voter made a good faith effort to obtain a ballot at an alternate address, the Board of Elections shall send a new ballot, a certification, and a waiver of secrecy to the voter by electronic means such as email, to be returned by mail;

c. Displaced New Jerseyans who return electronically delivered ballots by mail shall print the ballot, mark and sign it, and either (i) place the ballot in an "inner" envelope with a certification, and place that envelope in an outer envelope that is mailed to the County Board of Elections or (ii) sign a waiver of secrecy and certification and mail the

ballot, certification, and waiver in a single envelope to the County Board of Elections;

2) Direction to each County Board of Elections as to the foregoing, and training and oversight to the extent necessary;

(b) Declaratory relief including, but not limited to, a declaration that Defendants are violating the New Jersey Constitution by:

1) Disenfranchising New Jerseyans, by denying the right to vote to those who were displaced from their permanent address due to the COVID-19 pandemic for financial, health, familial or any other reason;

2) Depriving displaced New Jerseyans of equal protection of the law by treating them differently from those who were able to remain at their permanent address;

3) Depriving displaced New Jerseyans of substantive due process by denying them the fundamental right to vote;

(c) Attorneys' fees and costs associated with this action, pursuant to the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(f) and other relevant authority; and

(d) Any further relief as this Court deems just and proper.

Dated: October 14, 2020



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NO JURY DEMAND

Plaintiffs waive trial by jury in this action.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs designate Alexander Shalom as trial counsel.

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiffs, via counsel, hereby certify that there are no other proceedings or pending related cases arising from the same factual dispute described herein and that the matter in controversy is not the subject of any other action pending in any other court or a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated.

Other than the parties set forth in this complaint, the undersigned knows of no other parties that should be made a part of this lawsuit. In addition, the undersigned recognizes the continuing obligation 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.

Dated: October 14, 2020

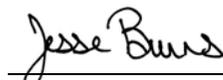


Alexander Shalom

VERIFICATION

I, Jesse Burns on behalf of Plaintiff LWVNJ and Amol Sinha on behalf of Plaintiff ACLU-NJ, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of my recollection and belief, true and accurate.

Dated: October 14, 2020



Jesse Burns



Amol Sinha