

No. _____

In the Supreme Court of the United States

LANA LEGUIA,

Applicant,

v.

NEW JERSEY REPUBLICAN STATE COMMITTEE, INC., ET AL.,

Respondents.

APPENDIX

**APPENDIX TO APPLICANT'S EMERGENCY APPLICATION FOR A
STAY OF THE ORDER ISSUED BY THE NEW JERSEY SUPREME
COURT AFFIRMING THE STAY ISSUED BY THE NEW JERSEY
SUPERIOR COURT**

PAUL A. ROSSI
IMPG ADVOCATES
316 HILL STREET
SUITE 1020
MOUNTVILLE, PA 17554
717.961.8978
Paul-Rossi@comcast.net

*Attorney for Applicant
Lana Leguia*

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265 N.J. 134

Supreme Court of New Jersey Petitions for Certification.
This disposition is referenced in the Atlantic Reporter.
Supreme Court of New Jersey.

NEW JERSEY REPUBLICAN STATE
COMMITTEE, INC., Petitioner-Respondent,

v.

Lana LEGUIA, Respondent-Petitioner.

C-662 September Term 2025

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092394

I

07 Aug 2026

ORDER

This matter having been opened to the Court on the
application of Lana Leguia for emergent relief, pursuant to
Rule 2:9-8; and

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A member of the Court having granted petitioner the
opportunity to file a petition for certification on an expedited
basis; and

A petition for certification of the judgment in A-003 541-25
having been submitted to this Court, and the Court having
considered the same; and

The Court having observed that petitioner could have, but did
not, raise a constitutional challenge before the Superior Court,
and further finding that petitioner's constitutional challenge
has shifted from a facial challenge to an as-applied challenge
and that no record to assess an as-applied challenge has been
created in this matter;

It is ORDERED that the petition for certification is denied.

All Citations

265 N.J. 134, 360 A.3d 672 (Table)

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ORDER ON MOTION AND GRANTING SUMMARY DISPOSITON

NEW JERSEY REPUBLICAN
STATE COMMITTEE, INC.
V.
LANA LEGUIA

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO.: A-003541-25T1
MOTION NO.: M-006545-25
BEFORE: PART L
JUDGE(S): JESSICA R. MAYER
ROBERT M. VINCI

MOTION FILED: 07/30/2026

BY: NEW JERSEY REPUBLICAN STATE
COMMITTEE, INC.

ANSWER(S) 07/30/2026
FILED: 07/30/2026

BY: NEW JERSEY ATTORNEY GENERAL
SECRETARY OF STATE DALE G.
CALDWELL
LANA LEGUIA

07/30/2026

RE-SUBMITTED TO COURT: July 31, 2026

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON
THIS 31st day of JULY, 2026, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT NEW JERSEY REPUBLICAN STATE COMMITTEE, INC.

MOTION FOR STAY

DENIED AS MOOT AND OTHER

MOTION FOR ACCELERATION
OF THE APPEAL

DENIED AS MOOT

SUPPLEMENTAL:

Petitioner New Jersey Republican State Committee, Inc. (NJRSC) appeals from a June 11, 2026 final decision of the Secretary of State, Lieutenant Governor Dr. Dale G. Caldwell (Secretary), in his capacity overseeing the Department of State, Division of Elections (Division), accepting petition books filed on behalf of respondent Lana Leguia as valid even though the circulators of those petition books were not eligible to be voters in New Jersey because they were not residents of the State in violation of N.J.S.A. 19:13-7. On July 28, 2026, we granted NJRSC's motion for a stay of that decision. We also granted NJRSC's motion to accelerate this appeal relating solely to NJRSC's contention that the Secretary exceeded his authority by not applying N.J.S.A. 19:13-7. In accordance with Rule 4:28-4(a)(1), we invited the Attorney General (AG) to participate. For the reasons that follow, we summarily vacate the Secretary's June 11 final decision and remand for the

Secretary to sustain NJRSC's objections to Leguia's petition books, applying N.J.S.A. 19:13-7, and directing the Secretary to exclude Leguia from the November 3, 2026 general election ballot.

The relevant facts are not disputed. On June 2, 2026, Leguia timely filed a nominating petition to be the Libertarian candidate in the November 3, 2026 general election for the United States House of Representatives in New Jersey's Seventh Congressional District. A nominating petition must contain at least 250 New Jersey voter signatures for a nominee to appear on the ballot. N.J.S.A. 19:13-5. Leguia's petition contained a total of 759 signatures across nine petition books, of which the Division accepted 755. Book one, which was Leguia's direct nominating petition, contained 85 signatures. Petition books two through nine, which were circulated by individuals who were not residents of New Jersey, contained 670 signatures.

On June 8, 2026, NJRSC filed written objections challenging the 670 signatures in petition books two through nine, arguing the petition circulators were not eligible voters because they were not New Jersey residents as required by N.J.S.A. 19:13-7. That statute provides, among other things, a "person who circulates the petition" in connection with a general election "shall be voter eligible, which means . . . a resident of this State." On June 8, 2026, the Division transferred the matter to Office of Administrative Law (OAL).

On June 9, 2026, an Administrative Law Judge (ALJ) held a hearing at which both parties requested an opportunity to brief the constitutionality of N.J.S.A. 19:13-7. Leguia argued N.J.S.A. 19:13-7 is unconstitutional, relying on the United States District Court's decision in Arsenault v. Way, 539 F. Supp. 3d 335 (D.N.J. 2021). In Arsenault, the court held that the residency requirement in N.J.S.A. 19:23-11, which prohibited candidates in primary elections from relying on non-resident circulators for nomination petitions, was unconstitutional "as-applied" to certain of out-of-state circulators and an out-of-state candidate. See Arsenault, 539 F. Supp. 3d at 337-38. Leguia contended this reasoning should also apply to the prohibition on non-resident circulators for general election petitions under N.J.S.A. 19:13-7. The record does not indicate that the AG was advised of this challenge to the constitutionality of the statute or participated in the OAL proceedings.

On June 11, 2026, the ALJ issued an initial decision declaring Leguia's petition invalid and excluding her from the general election ballot. Relying on the plain language of N.J.S.A. 19:13-7, the ALJ concluded "that the 670 signatures contained in [b]ooks [t]wo through [n]ine must be struck, as the three circulators who gathered them were not residents of New Jersey and therefore not voter eligible as stated in the statute." With respect to Leguia's claim that N.J.S.A. 19:13-7 is unconstitutional, the ALJ determined that contention was "simply outside the jurisdiction of the [OAL]."

The ALJ further recognized that although Leguia was "correct in her assertion that the Arsenault court found the residency requirement [contained in N.J.S.A. 19:23-11]. . . unconstitutional for being 'unnecessarily restrictive' and unable to 'survive strict scrutiny,'" it "notably ruled that 'residency requirement does not survive strict scrutiny because it is substantially broader than necessary to achieve the government's interest, at least with respect to the Plaintiff[] in this case.'" (emphasis in original) (citations omitted). The ALJ also noted "while Arsenault did concern out-of-state circulators, it is distinguishable from

the instant matter because: (1) it reviewed N.J.S.A. 19:23-11 and not N.J.S.A. 19:13-7; and (2) the matter under review was an as-applied, rather than a facial challenge."

On June 11, 2026, the Secretary issued his final decision modifying the ALJ's initial decision and rejecting and dismissing NJRSC's objections to Leguia's petition. The Secretary declared Leguia's nominating petition legally sufficient, and restored her to the ballot for the November 3 general election. In his written decision, the Secretary stated:

[i]n the instant case, the rationale of Arsenault applies with equal, if not greater, force to the circulators of [g]eneral [e]lection petitions at issue in this matter. Where there are out-of-state petition circulators for a congressional candidate seeking to have her name placed on the [g]eneral [e]lection ballot, [the] Arsenault court's rejection of the petition circulator residency requirement must also be applied to the residency restriction set forth at N.J.S.A. 19:13-7. Here, the two statutes['] pertinent requirements are materially the same. . . . As such, candidates seeking petition signatures to appear on the [g]eneral [e]lection ballot should not be burdened with greater restrictions than [p]rimary [e]lection candidates.

The Secretary further concluded, "[c]onsistent with the Arsenault decision, out-of-state individuals must be permitted to act as petition circulators so as to not unconstitutionally violate their free speech by prohibiting the right of voters to choose from eligible candidates being placed on the [g]eneral [e]lection ballot."

On June 15, 2026, NJRSC appealed from the Secretary's final decision. That same day, it filed a motion to stay the final decision with the Secretary, which was denied. On July 1, 2026, the NJRSC filed a motion to stay the Secretary's final decision and for an accelerated disposition of this appeal, which we granted on July 28, 2026. In granting the motion, we instructed the parties to address NJRSC's contention that the Secretary exceeded his authority by deeming N.J.S.A. 19:13-7 unconstitutional and refusing to follow the statute.

In accordance with our July 28 order, NJRSC filed a brief in support of the appeal. Leguia submitted a responding brief in which she argues "the [AG] gave legal advice" to the Secretary and "rendering constitutional advice to a State officer is a normal and statutorily assigned function of the [AG], not an invasion of judicial power, and the Secretary['s] . . . reliance thereon is . . . proper."

The Secretary submitted a responding brief contending he "did not declare N.J.S.A. 19:13-7 unconstitutional" but instead "implemented Arsenault by discontinuing the residency requirement for all nominating petitions." (emphasis in original). The AG submitted a letter stating the Secretary "did not declare N.J.S.A. 19:13-7 unconstitutional" and "made a reasonable decision to implement [Arsenault] by placing all candidates—whether seeking to appear in a primary election leading to a general election or seeking to

run as third-party candidates in the general election itself—on equal footing." The AG does not assert she gave the Secretary advice in connection with his June 11 decision and expressly declined to "opine on the constitutionality of that statute or intervene in this matter."

Having reviewed the briefs and supporting documents, we are satisfied summary disposition is appropriate in this case. Summary disposition is appropriate when "the issues on appeal do not require further briefs or a full record." R. 2:8-3(b). Summary disposition is intended for "those cases involving issues which are clear-cut." GE Cap. Mortg. Servs., Inc. v. N.J. Title Ins. Co., 333 N.J. Super. 1, 5 (App. Div. 2000) (citation omitted). The limited issue before this court does not require full briefing or a full record for our disposition of the appeal. Thus, we decide the limited issue, whether the Secretary had the authority to decline to enforce N.J.S.A. 19:13-7, summarily.

We are unpersuaded by the Secretary's claim that he had the authority to decline to apply N.J.S.A. 19:13-7. It is well-settled that "statutes are entitled to a presumption of validity that is overcome only by a showing that the statute is 'clearly repugnant to the Constitution.'" New Jersey L. Enft Sup'rs Ass'n v. State, 414 N.J. Super. 111, 118 (App. Div. 2010). To the extent the Secretary has the authority to refuse to enforce a legislative act, such refusal would only be appropriate if the Secretary based his determination on the advice of the AG. See Comm. to Recall Robert Menendez From the Off. of U.S. Senator v. Wells, 204 N.J. 79, 97 (2010) (holding the Secretary of State "properly sought counsel from . . . the AG" when questioning the constitutionality of a statute and in doing so "avoided any impropriety that a unilateral action might have invited").

Here, the record lacks any evidence that the Secretary received and relied on the advice of the AG in declining to apply N.J.S.A. 19:13-7. There is nothing in the Secretary's June 11 final decision to indicate he relied on any advice from the AG in reaching his determination regarding the validity of Leguia's nominating petition. Neither the Secretary nor the AG assert the Secretary received and relied on legal advice in their briefs before us. In fact, the AG expressly declined to opine that N.J.S.A. 19:13-7 is unconstitutional. Because the Secretary declined to enforce the statute based on the advice of the AG, he exceeded his authority by doing so.

Reversed, vacated, and remanded to the Secretary to uphold NJRSC's objections to Leguia's petition pursuant to N.J.S.A. 19:13-7 and deem her ineligible to appear on the November 3 general election ballot. The appeal is dismissed. We do not retain jurisdiction.

The stay imposed in our July 28, 2026 order shall continue until 4:00 p.m. on August 4, 2026 to allow parties to seek emergent relief from the Supreme Court. Should any party file an emergent application with the Supreme Court, the stay shall continue until the Supreme Court disposes of that application, or until further order of the Court.

FOR THE COURT:



JESSICA R. MAYER, P.J.A.D.

STATE OF NEW JERSEY
DEPARTMENT OF STATE
OFFICE OF THE SECRETARY OF STATE

NEW JERSEY REPUBLICAN	)	
STATE COMMITTEE, INC.,	)	
	)	
Petitioner,	)	
	)	FINAL DECISION
v.	)	
	)	OAL DOCKET NO. STE 09209-26
LANA LEGUIA	)	
	)	
Respondent.	)	
	)	

This matter involves a challenge by Petitioner New Jersey Republican State Committee, Inc. (Petitioner), to the validity of the Direct Nomination Petition filed by Respondent Lana Leguia (Respondent), to appear on the November 3, 2026 General Election ballot for the office of Member of the United States House of Representatives, Seventh Congressional District ("US House District 7").

In addition to Petitioner's challenges to signatures for various eligibility and other reasons, Petitioner alleges that circulators of some Petition books were out-of-state residents and argue that such signatures are therefore invalid. Initial Decision at 2. Ibid.

On or before June 2, 2026, Respondent filed a Direct Nomination Petition ("Petition") containing a total of 759 signatures, with the Department of State, Division of Elections accepting 755 of those signatures. Ibid. At least 250 valid signatures are required for Respondent's name to appear on the November 3, 2026 General Election ballot as a candidate for US House District 7. N.J.S.A. 19:13-5 as amended by L. 2025, c. 20, § 2.

Under N.J.S.A. 19:13-10, direct nomination petitions in "apparent conformity" with Title 19 are deemed valid unless an objection to the petition is raised. As nominating petitions are deemed presumptively valid, it is the burden of the individual raising an objection to the petition to show that such a petition is not in conformity with Title 19. See also Roundtree v. Republican Candidates of LD 1, 2, 8, and 9, 2015 N.J. AGEN LEXIS 270 at *9-10 (April 8, 2015) (noting that an individual objecting "to a nominating petition 'seeks to enforce law governing

the election process and, therefore, bears the burden of proof of facts essential to [his or] her claim by the preponderance (the greater weight) of the competent and credible evidence.” (quoting Allen v. Wahner, 2001 N.J. AGEN LEXIS 1467 at *10-11 (July 16, 2001)) (alteration in the original)); Challenging a Candidate’s Petition, New Jersey Department of State, Division of Elections, <https://www.nj.gov/state/elections/candidate-petition-challenge.shtml> (last visited June 11, 2026) (stating “[i]n all challenges, the objector has the burden of proving that a petition is invalid.”).

Upon review of Respondent’s Petition for apparent conformity with the statutory requirements, the Division of Elections accepted Respondent’s Petition with 755 signatures in support thereof. Initial Decision at 2. By email received on June 8, 2026, Petitioner filed written objections to the validity of the Respondent’s Petition, challenging individual signatures supporting the Petition and challenging entire books of circulators alleged to be to-of-state residents. Ibid. On the same day, the Division transmitted the matter to the Office of Administrative Law (“OAL”) for a hearing. Ibid.

Administrative Law Judge William J. Courtney (“ALJ”) held a hearing on June 9, 2026, at which counsel appeared for both Petitioner and for Respondent. At the hearing, both parties requested time to brief the constitutionality of N.J.S.A. 19:13-7 concerning the statutory requirement that a petition circulator be a resident of New Jersey. Ibid. The ALJ ordered briefs to be filed by both parties by noon on June 10, 2026. Ibid. In addition to the legal issue to be briefed, Petitioner challenged 303 voter signatures contained in the Petition as allegedly invalid for various reasons, including the signatory not being a registered voter, the signatory residing outside of the Seventh Congressional District, incomplete signature and address, illegible signature/name, and a signatory having signed the Petition twice or a second candidate’s Petition. Ibid.

Petitioner stipulated at the hearing that the challenges to 303 of the 755 signatures on the Petition was insufficient to bar Respondent from the General Election ballot and agreed to restrict his presentation to the objection to the residency of the Petition circulators in question. Ibid.

Petitioner challenged 670 signatures in Petition books two through nine because they were collected

by three circulators who were not New Jersey residents. Ibid. Respondent argued that pursuant to the federal district court decision in Arsenault v. Way, 539 F.Supp.3d 335 (D.N.J. 2021), the residency requirement for petition circulators under N.J.S.A. 19:23-11 was declared unconstitutional and, therefore, the circulator residency requirement set forth under N.J.S.A. 19:13-7 was equally unconstitutional, and therefore, the challenged signatures in Petition books two through nine were valid. Initial Decision at 5. Petitioner argued that the Arsenault court's decision concerning N.J.S.A. 19:23-11 "cannot be analogized to N.J.S.A. 19:13-7 and that respondent's argument subsequently represents a facial constitutional challenge which is not properly cognizable before this tribunal." Ibid.

The ALJ found as fact that the three circulators of Petition books two through nine affirmed their residences as out-of-state. Initial Decision at 3. The ALJ then found that, while the Arsenault decision did concern out-of-state circulators, "it is distinguishable from the instant matter because: (1) it reviewed N.J.S.A. 19:23-11 and not N.J.S.A. 19:13-7; and (2) the matter under review was an as-applied, rather than a facial challenge." Initial Decision at 5-6. The ALJ found that because the facts in this matter are undisputed and the validity of the circulator residency requirement of N.J.S.A. 19:13-7 amounts to a facial constitutional challenge, Respondent is asking the OAL to declare the statute unconstitutional based upon a federal court decision reviewing a different statute (N.J.S.A. 19:23-11). Initial Decision at 6. The ALJ found that Respondent's challenge to the constitutionality of N.J.S.A. 19:13-7 is outside the jurisdiction of the OAL and that the Appellate Division, and not the OAL, is the proper forum for this challenge which is purely a question of law. Ibid. The ALJ notes that "[w]ithout jurisdiction to review respondent's facial constitutional challenge to N.J.S.A. 19:13-7, this tribunal is obligated to apply the plain language of the statute." Ibid. The ALJ concluded that, in reliance on the plain language of N.J.S.A. 19:13-7, the 670 signatures contained in Respondent's Petition books two through nine must be stricken because the three circulators who gathered the 670 signatures were not residents of New Jersey and, therefore, were not eligible to act as petition circulators under the statute. Initial Decision at 7.

The ALJ further concluded that invalidating the 670 signatures from Petition books two through

nine brought the total valid signatures to 85 signatures (contained in Petition book one), which is below the requisite 250 signatures to appear on the General Election ballot for the office of Member of the United States House of Representatives. Ibid. The ALJ notes that “[w]ere Books Two through Nine not struck, the individual signature challenges raised by [P]etitioner would remain moot as they would be insufficient to bring respondent’s number of valid signatures below 250.” Id. n.1, ALJ Courtney ordered that Respondent’s Petition be declared invalid and Respondent be excluded from the November 3, 2026 General Election ballot as a candidate for US House District 7. Ibid.

ALJ Courtney’s Initial Decision and the record were received by this office on June 11, 2026. No exceptions to the Initial Decision were filed with the Division. While accepting the ALJ’s factual findings concerning the number of signatures at issue, the states of residence of the three circulators, and the limitation of the challenge to the issue of circulator residency and not the validity of any individual signature, I am compelled to address the ALJ’s conclusion that N.J.S.A. 19:13-7 requires him to reject the Petition signatures contained in Petition books two through nine that were collected by circulators who are out-of-state residents. As noted in the Initial Decision, the U.S. District Court for the District of New Jersey has held unconstitutional the requirement of N.J.S.A. 19:23-11, that a person who circulates a petition for a primary election shall be a registered voter of the State. Arsenault, 539 F.Supp.3d at 348 (the court held that N.J.S.A. 19:23-11’s requirement that “persons circulating nominating petitions on behalf of presidential candidates in primary elections to be residents of New Jersey” did not survive strict scrutiny. Id. at 337). . After determining that N.J.S.A. 19:23-11 must survive strict scrutiny to be enforceable, the Third Circuit Court of Appeals remanded this matter to the district court. Wilmoth v. Sec’y of New Jersey, 731 F. App’x 97, 103, 105 (3d Cir. 2018).

Upon remand the district court held that N.J.S.A. 19:23-11 failed to satisfy strict scrutiny because it is “‘substantially broader than necessary to achieve the government’s interest,’ at least with respect to the Plaintiffs in th[e] case,” concluding that the State “neither produced evidence of the problems that the residency requirement purports to address, nor meaningfully refuted the less restrictive alternative methods

Plaintiffs proposed.” Arsenault, 539 F.Supp.3d at 348 (citation omitted). In particular, the court noted that the State presented no “substantive reason to disagree” that there are more narrowly tailored alternatives to banning non-resident circulators for primary election ballot petitions that would still achieve the State’s interest in “preventing voter fraud and party raiding.” Id. at 347. Indeed, the State failed to provide any facts to support the argument that the associational rights of political parties were infringed by allowing non-resident individuals to circulate candidate petitions for a position on New Jersey’s primary election ballot for either of the two political parties, or that the political parties had expressed any opposition to Plaintiff’s challenge of the residency requirement. Arsenault, 539 F.Supp.3d at 348. As a result, the district court unequivocally held that the “the residency requirement in N.J. Stat. Ann. § 19:23-11” was unconstitutional as it “is unnecessarily restrictive and does not survive strict scrutiny.” Id.

In the instant case, the rationale of Arsenault applies with equal, if not greater, force to the circulators of General Election petitions at issue in this matter. Where there are out-of-state petition circulators for a congressional candidate seeking to have her name placed on the General Election ballot, Arsenault court’s rejection of the petition circulator residency requirement must also be applied to the residency restriction set forth at N.J.S.A. 19:13-7. Here, the two statutes pertinent requirements are materially the same. Certainly, there is no practical distinction between circulators collecting petition signatures for a Primary Election petition and a General Election petition. Indeed, any justification for a residency restriction for petition circulators could be more aptly applied to a Primary Election, where signers of a candidate petition are also restricted to registered voters of the political party of the Primary Election candidate. N.J.S.A. 19:23-11. The court in Arsenault definitively held that a residency requirement for Primary Election petition circulators “is unnecessarily restrictive and does not survive strict scrutiny.” Arsenault, 539 F. Supp. 3d at 348. For General Election petitions, when political party affiliation is irrelevant, petition requirements are even less restrictive.

As such, candidates seeking petition signatures to appear on the General Election ballot should not be burdened with greater restrictions than Primary Election candidates. Consistent with the Arsenault

decision, out-of-state individuals must be permitted to act as petition circulators so as to not unconstitutionally violate their free speech by prohibiting the right of voters to choose from eligible candidates being placed on the General Election ballot.

Petitioner's assertion that signatures on Respondent's Petition be rejected due to the residency of the petition circulator(s) is an insufficient basis for rejection. Therefore, the Initial Decision is MODIFIED to reject and dismiss Petitioner's petition circulator residency challenge to 670 signatures contained in books two through nine of Respondent's Petition. The signatures contained in Petition books two through nine are therefore accepted as valid.

Based upon the above noted modification, the Initial Decision is further MODIFIED to reflect that the nominating petition of Respondent is legally sufficient under N.J.S.A. 19:13-7 since it contains more than the statutory requirement of 250 valid signatures.

After full consideration of the record, I hereby MODIFY ALJ Courtney's Initial Decision as set forth herein and ACCEPT the nomination petition of Lana Leguia to appear on the November 3, 2026 General Election ballot for the office of Member of the United States House of Representatives, Seventh Congressional District.

IT IS SO ORDERED.



DR. DALE CALDWELL
SECRETARY OF STATE

DATED: June 11, 2026

STATE OF NEW JERSEY
DEPARTMENT OF STATE
OFFICE OF THE SECRETARY OF STATE

NEW JERSEY REPUBLICAN
STATE COMMITTEE, INC.,

Petitioner,

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LANA LEGUIA

Respondent.

DENIAL OF PETITIONER'S STAY REQUEST OF THE JUNE 11, 2026 FINAL DECISION

OAL DOCKET NO. STE 09209-26

This matter involves a request by Petitioner New Jersey Republican State Committee, Inc. (Petitioner), to stay the June 11, 2026 Final Decision issued by this office in the above-captioned matter. Petitioner has challenged the validity of the Direct Nomination Petition filed by Respondent Lana Leguia (Respondent), to appear on the November 3, 2026 General Election ballot for the office of Member of the United States House of Representatives, Seventh Congressional District (“US House District 7”). Petitioner alleges that circulators of some Petition books were out-of-state residents and argues that such signatures are therefore invalid. New Jersey Republican State Committee, Inc. v. Lana Leguia, OAL Docket No. STE 09209-26, Final Decision of the Secretary of State (“Final Decision”) at 2.

In the Final Decision issued on June 11, 2026, I determined that the rationale of the federal court decision in Arsenault v. Way, 539 F.Supp.3d 335 (D.N.J. 2021), which held unconstitutional the in-state residency requirement for circulators of nominating petitions in New Jersey’s primary elections set forth in N.J.S.A. 19:23-11, applies “with equal, if not greater, force” to the in-state residency requirement for circulators of directing nominating petitions in general elections set forth in N.J.S.A. 19:13-7. Final Decision at 5-6. In particular, the Final Decision determined that the two statutes’ “pertinent requirements are materially the same,” and that:

[T]here is no practical distinction between circulators collecting petition signatures for a Primary Election petition and a General Election petition.

Indeed, any justification for a residency restriction for petition circulators could be more aptly applied to a Primary Election, where signers of a candidate petition are also restricted to registered voters of the political party of the Primary Election candidate. N.J.S.A. 19:23-11.
[Id. at 5.]

The Final Decision concluded that, consistent with the Arsenault decision, “candidates seeking petition signatures to appear on the General Election ballot should not be burdened with greater restrictions than Primary Election candidates,” and out-of-state individuals should therefore be permitted to act as petition circulators for candidates seeking to be placed on the General Election ballot. Final Decision at 5-6.

On June 15, 2026, Petitioner submitted to this office a Notice of Motion to Stay Final Decision pursuant to N.J.A.C. 1:1-18.6, Certification of Counsel with exhibits, Certification of Luke Ferrante with exhibits, letter brief, proposed form of order, and a copy of a Notice of Appeal filed with the Appellate Division. I have thoroughly reviewed the materials submitted by Petitioner in support of this application.

As noted by Petitioner, a request for a stay of the Final Decision must meet the requisite standard for injunctive relief set forth in Crowe v. DeGioia, 90 N.J. 126 (1982). Petitioner’s Letter Brief (Pet. Brief) at 3. Our Supreme Court has outlined a four-part test for such applications. Garden State Equality v. Dow, 216 N.J. 314, 320 (2013). The movant must show: (1) the relief is needed to prevent irreparable harm; (2) the party seeking relief has a reasonable probability of succeeding on the merits of the underlying appeal; (3) balancing the relative hardships to the parties reveals that greater harm would occur if the relief is not granted than if it were; and (4) the public interest favors such relief. Ibid. (citing Crowe, 90 N.J. at 132-34). Courts recognize that this is a “‘particularly heavy’ burden.” Guaman v. Velez, 421 N.J. Super. 239, 247 (App. Div. 2011) (quoting Rinaldo v. RLR Inv., LLC, 387 N.J. Super. 387, 396 (App. Div. 2006)). The movant must satisfy this heavy burden by establishing that such relief is necessary by clear and convincing evidence. Garden State Equality, 216 N.J. at 320; Waste Mgmt. of New Jersey, Inc. v. Union Cty. Utilities Authority, 399 N.J. Super. 508, 520 (App. Div. 2008). Petitioner’s stay request is denied because it cannot meet any of the Crowe factors.

First, Petitioner fails to demonstrate a reasonable probability of success on the merits of the appeal

for the reasons set forth in the Final Decision and elaborated here. As an initial matter, the residency requirement in N.J.S.A. 19:23-11 (which was held unconstitutional in Arsenault) is materially indistinguishable from N.J.S.A. 19:13-7 (at issue here). Both statutes regulate nomination petitions, which all candidates seeking to appear on a general election ballot must submit. That is true whether such petitions are submitted by candidates seeking to appear in a primary election leading to a general election (under N.J.S.A. 19:23-11) or by candidates seeking to run as third-party candidates in the general election itself (N.J.S.A. 19:13-7). The residency requirements imposed on circulators in the two statutes are essentially identical. For that reason, the Department of State—in consultation with the Office of the Attorney General—has implemented Arsenault by discontinuing the residency requirement for all nomination petitions, that is, for petitions submitted under 19:13-7 as well as under 19:23-11.

Continuing to apply N.J.S.A. 19:13-7 (at issue here) but not N.J.S.A. 19:23-11 (held unconstitutional in Arsenault) would mean burdening third-party candidates for the general election while imposing a less stringent residency requirement for petitions for those seeking to secure their candidacy through the primary election. Yet nothing in the text, structure, or context of our elections statutes indicate the Legislature intended such a lopsided scheme, or that it somehow intended to impose a more stringent residency requirement on third-party candidates for the general election than third-party candidates for the primary election. To the contrary, it imposed identical residency requirements in both scenarios. That is why the Department of State has implemented Arsenault by discontinuing the residency requirement for all nomination petitions. Indeed, it has maintained that practice for the past five years, including by consistently advising independent candidates that they can use out-of-state circulators and by accepting all otherwise valid nomination petitions that were circulated by out-of-state residents. Reinstating that requirement under 19:13-7 now would prejudice candidates who have relied on that settled practice.

Second, Petitioner fails to demonstrate that it will suffer irreparable harm if the stay is not granted. Petitioner claims irreparable harm because the Republican nominated candidate in the US House District 7 General Election will have to run against an additional opponent who did not possess the minimum

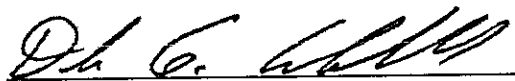
qualifications to appear on the ballot and therefore, “[a] fair election cannot be had under such circumstances.” Pet. Brief at 12. Petitioner’s claim is based upon the assertion that petition signatures obtained by out-of-state circulators are invalid. However, there is nothing in the record to support the assertion that the signatures on Respondent’s petition were from voters who were not properly registered to vote in US House District 7. Further, there is no assertion by Petitioner that the out-of-state petition circulators failed to comply with the statutory provision that requires them to “make oath by affidavit before a duly qualified officer that the petition is made in good faith, that the affiant personally circulated the petition and saw all the signatures made thereto and verily believes that the signers are duly qualified voters.” N.J.S.A. 19:13-7. Absent evidence that the signers of the petition were ineligible or the signatures fraudulently obtained, there can certainly be no irreparable harm in providing voters with the opportunity to choose between as many qualifying candidates as possible. In the instant case, the only basis for Petitioner’s challenge to Respondent appearing on the ballot is the residency requirement for petition circulators. Ultimately, the Final Decision’s conclusion that such residency requirement is inconsistent with the Arsenault decision does not result in any irreparable harm to Petitioner because Respondent’s presence on the General Election ballot does nothing to harm Petitioner’s nominated candidate.

In applying the third and fourth Crowe prongs that balance the relative hardships to the parties and consider the public interest, Petitioner again fails to meet their heavy burden. Petitioner contends that, if Respondent is excluded from the ballot, she will not suffer a greater harm than Petitioner. Ibid. Petitioner also believes that Respondent’s exclusion from the ballot will serve the public interest by ensuring the orderly administration of the General Election. Pet. Brief at 14-15. But neither the balance of the equities nor the public interest favors granting Petitioner’s request for a stay. For one, a stay would upend the Department of State’s prevailing practice since the Arsenault decision issued in 2021 and further undermine the public interest by resulting in the differential treatment of candidates for the same general election without any clear basis for doing so. See supra. For another, the harm to a candidate excluded from a ballot outweighs any alleged harm to other candidates who remain on the ballot and have to face an additional

opponent in a democratic election. Denying the stay and permitting Respondent to appear on the General Election ballot causes no risk to orderly election administration and is in the public interest of the voters of US House District 7.

After full consideration of the papers submitted by Petitioner, I hereby DENY Petitioner's request to stay the June 11, 2026 Final Decision accepting the nomination petition of Lana Leguia to appear on the November 3, 2026 General Election ballot for the office of Member of the United States House of Representatives, Seventh Congressional District.

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "Dr. D. Caldwell", is written over a horizontal line.

DR. DALE CALDWELL
SECRETARY OF STATE

DATED: June 25, 2026



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. STE 09209-26

**NEW JERSEY REPUBLICAN
STATE COMMITTEE, INC.,**

Petitioner,

v.

LANA LEGUIA,

Respondent.

Jason N. Sena, Esq., for petitioner (Archer & Greiner, P.C., attorneys)

Joseph A. Fortunato, Esq., for respondent (Joseph A. Fortunato Law Office,
attorneys)

Record Closed: June 10, 2026

Decided: June 11, 2026

BEFORE **WILLIAM J. COURTNEY, ALJ:**

STATEMENT OF THE CASE

Respondent Lana Leguia filed a petition with 755 accepted signatures nominating her as an independent candidate for the United States House of Representatives in New Jersey's 7th Congressional District. The issue presented in this case is whether the individuals circulating the nominating petitions for an independent candidate are required to be residents of the State of New Jersey. After adjudication of the objections raised to

her nominating petition, this tribunal found that N.J.S.A. 19:13.7 requires persons circulating nominating petitions for independent candidates to be New Jersey residents. Only one of nine separate books submitted for candidate Lana Leguia were circulated by New Jersey residents. That single book circulated by a New Jersey resident contained only eighty-five (85) signatures and pursuant to N.J.S.A. 19:13-5. independent candidates aiming to appear on the general election ballot for the House of Representatives must have at least 250 signatures for their names to be included.

PROCEDURAL HISTORY

Respondent filed a nominating petition containing a total of 755 signatures with the Department of State, Division of Elections, in Trenton. Petitioner, the New Jersey Republican State Committee, Inc., filed written objections to approximately 670 names on the petition for various reasons. The matter was transmitted by the Department of State, Division of Elections to the Office of Administrative Law on June 8, 2026, as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and 14F-1 to -13. During the hearing, petitioner raised two separate arguments in opposition to the nominating petition. The first argument sought to exclude Books Two through Nine on the basis that the circulators were out-of-state residents, in violation of N.J.S.A. 19:13-7. Both petitioner and respondent requested time to brief the constitutionality of the residency requirement in N.J.S.A. 19:13-7. An expedited briefing schedule was ordered with briefs from both parties to be filed by noon on June 10, 2026. Petitioner's second argument sought to disallow 303 individual signatures for various reasons: (1) the signatory signed the petition twice or also signed another nominating petition for this same election, in violation of N.J.S.A. 19:13-6; (2) the signatory is not a registered voter, in violation of N.J.S.A. 19:13-5; (3) the signatory resides outside of the district, in violation of N.J.S.A. 19:13-5; (4) the endorsement is incomplete, in violation of N.J.S.A. 19:13-6; and (5) the endorsement is illegible. During the hearing, petitioner stipulated that the number of individual signatures challenged in his second argument was insufficient to keep respondent off the general election ballot and agreed to restrict his presentation to the residency issue in the interests of judicial efficiency. A hearing was held on an expedited basis via Zoom on June 9, 2026. On the scheduled date of hearing, all parties were

present via Zoom at the appointed time. Briefs were received on June 10, 2026, and the record closed on that date.

FACTUAL DISCUSSION AND FINDINGS

Respondent submitted nine booklets in connection with her nominating petition. The total number of signatures in all nine booklets was 755 accepted. Petitioner's challenge to 303 individual signatures across all nine booklets, even if successful, would be insufficient to keep respondent from appearing on the general election ballot as the remaining 452 valid signatures would be sufficient pursuant to N.J.S.A. 19:13-5. Books Two through Nine contain a total of 670 signatures. Petitioner's challenge to the validity of Books Two through Nine based on the residency of the circulators would be sufficient to keep respondent from appearing on the general election ballot as the remaining eighty-five (85) valid signatures would not be sufficient pursuant to N.J.S.A. 19:13-5.

Based upon a review of the record, I **FIND** the following as **FACT**:

- (1) Lana Leguia, circulator of Book One of the nominating petition, affirmed her city or town of residence on the Circulator Affidavit as Stanhope, New Jersey.
- (2) Amanda P. Rusha, circulator of Books Two and Three of the nominating petition, affirmed her city or town of residence on the Circulator Affidavit as Bronx, New York.
- (3) Tracie A. Middleton, circulator of Books Four through Six and Nine of the nominating petition, affirmed her city or town of residence on the Circulator Affidavit as Jamaica, New York.
- (4) Elijah T. Mohammed, circulator of Books Seven and Eight of the nominating petition, affirmed his city or town of residence on the Circulator Affidavit as New York, New York.

- (5) Books Two through Nine of the nominating petition were circulated by persons who were not at that time voter eligible in the State of New Jersey, for the reason of state residency.

I **FIND** that Books Two through Nine of the nominating petition, and the 670 signatures contained therein, should be disallowed and excluded from respondent's petition for the legal reasons set forth below.

LEGAL ANALYSIS AND CONCLUSIONS

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 to render an election void for technical reasons. Kilmurray v. Gilfert, 10 N.J. 435, 440 (1952); In re Ross Petition, 116 N.J. Super. 178, 184 (App. Div. 1971). Usually, it is in the public interest to submit to the electorate a ballot bearing the names of candidates of all qualifying groups and parties. Kilmurray, 10 N.J. at 441. In enacting the mechanisms governing elections, our Legislature intended "to promote participation in the candidate-selection process, and to give voters more choices in primary elections." Lesniak v. Budzash, 133 N.J. 1, 17 (1993). See also New Jersey Democratic Party, Inc. v. Samson, 175 N.J. 178, 190 (2002). Despite the liberal construction of the election laws, the New Jersey Courts have long recognized that "voting must remain subject to certain conditions" and that the State may reasonably impose conditions "necessary to prevent election fraud and to facilitate administration of the electoral process." Lesniak, 133 N.J. at 7; see also Stevenson v. Gilfert, 13 N.J. 496 (1953); Wene v. Meyner, 13 N.J. 185 (1953).

In furtherance of those purposes, the Legislature has prescribed in N.J.S.A. 19:13-7 that the person who circulates the petition shall (emphasis added):

make oath by affidavit before a duly qualified officer that the petition is made in good faith, that the affiant personally circulated the petition and saw all the signatures made thereto and verily believes that the signers are duly qualified voters. The person who circulates the petition shall not be required to be a registered voter, but shall be voter eligible, which means at least 18 years of age, a resident of this State, a citizen of

the United States, and not otherwise disqualified under the New Jersey Constitution.

Petitioner challenged 670 signatures on the grounds that the three circulators that gathered them were not eligible voters or residents of New Jersey. Respondent argued that the residency requirements of N.J.S.A. 19:13-7 are no longer relevant, based on a federal district court ruling, Arsenault v. Way, where N.J.S.A. 19:23-11, the analogous statute to N.J.S.A. 19:13-7 for primary elections, was “declared unconstitutional in part regarding the residency requirement for nominating petition circulators.” 539 F. Supp. 3d 335, 348–49 (D.N.J. 2021). Petitioner argues that the Arsenault court’s closely transcribed treatment of N.J.S.A. 19:23-11 cannot be analogized to N.J.S.A. 19:13-7 and that respondent’s argument subsequently represents a facial constitutional challenge which is not properly cognizable before this tribunal.

The circulation of petitions has long been recognized as core political speech worthy of constitutional protection. See Meyer v. Grant, 486 U.S. 414, 422 (1988) (“the circulation of a petition involves the type of interactive communication concerning political change that is appropriately described as core political speech”); see also Buckley v. Am. Constitutional Law Found., 525 U.S. 182, 186-7 (1999) (recognizing that petition circulation is “core political speech” for which “First Amendment protection . . . is at its zenith”). Furthermore, respondent is correct in her assertion that the Arsenault court found the residency requirement in N.J.S.A. 19:23-11 unconstitutional for being “unnecessarily restrictive” and unable to “survive strict scrutiny.” 539 F.Supp. 3d at 348. The New Jersey Secretary of State has similarly recognized the applicability of the Arsenault decision to state election law. See Salcedo v. Altman, STE 4941-26, Initial Decision (April 1, 2026), modified, Sec’y of State, (April 1, 2026) (“pursuant to Arsenault, out-of-state individuals must be permitted to act as petition circulators so as to not unconstitutionally violate associational rights of political parties”).

However, the court in Arsenault notably ruled that the “residency requirement does not survive strict scrutiny because it is substantially broader than necessary to achieve the government’s interest, at least with respect to the Plaintiffs in this case.” 539 F.Supp. 3d at 348 (emphasis added). Furthermore, while Arsenault did concern out-of-state

circulators, it is distinguishable from the instant matter because: (1) it reviewed N.J.S.A. 19:23-11 and not N.J.S.A. 19:13-7; and (2) the matter under review was an as-applied, rather than a facial challenge. Id. at 338.

An as-applied constitutional challenge focuses strictly on the unique factual circumstances of the litigant while a facial challenge argues that the challenged statute would not be valid under any set of factual circumstances. See Whirlpool Properties, Inc. v. Director, Div. of Taxation, 208 N.J. 141, n. 12 (2011). Given that the facts in this matter are undisputed and the validity of the residency requirement in N.J.S.A. 19:13-7 does not turn on its specific application, respondent's argument amounts to a facial constitutional challenge – essentially asking this tribunal to declare that statute unconstitutional based on a narrow federal holding reviewing a different statute.

This is simply outside the jurisdiction of the Office of Administrative Law. “The Appellate Division, and not the OAL, is the proper forum in which to challenge . . . facial validity . . . specifically where the matter as here, is purely a question of law.” Wendling v. New Jersey Racing Comm’n, 279 N.J. Super. 477, 484 (quoting Christian Bros. Inst. v. No. N.J. Interschol. League, 86 N.J. 409, 416, (1981)). Further, “in administrative proceedings, petitioners can attack the constitutionality of rules as applied but may not mount facial attacks.” 37 New Jersey Practice, Admin. Law & Practice, § 3.8 (Steven L. Lefelt, Anthony Miragliotta & Patricia Prunty) (2d ed. 2000). Finally, “no administrative agency has jurisdiction to declare a statute unconstitutional.” Stubaus v. Whitman, 339 N.J. Super. 38, 62 (App. Div. 2001) (citing Sanchez v. Dept. of Human Services, 314 N.J. Super. 11, 32 (App. Div. 1998); Student Members of Playcrafters v. Bd. of Ed., 177 N.J. Super. 66, 73 (App. Div. 1981)). Without jurisdiction to review respondent's facial constitutional challenge to N.J.S.A. 19:13-7, this tribunal is obligated to apply the plain language of the statute.

While Leguia raises significant and compelling constitutional arguments in defense of her nominating petition, her challenge to the constitutionality of N.J.S.A. 19:13-7 is purely a question of law which should be addressed by the Appellate Division. Without clear guidance from the Appellate Division or the Supreme Court of New Jersey, I must **CONCLUDE** that the OAL is not the proper forum for the consideration of this issue. In

reliance on the plain language of N.J.S.A. 19:13-7, I **CONCLUDE** that the 670 signatures contained in Books Two through Nine must be struck, as the three circulators who gathered them were not residents of New Jersey and therefore not voter eligible as stated in the statute.

A review of the individual signature challenges in this matter demonstrates that resolution thereof would be inconsequential to the outcome and consequently a waste of judicial resources. The distribution of the 303 individually challenged signatures between Book One and Books Two through Nine was not addressed at hearing. Because the above conclusion regarding the 670 signatures in Books Two through Nine brings Leguia below the 250 signatures required by N.J.S.A. 19:13-5, I **CONCLUDE** that, despite the legitimacy of a number of petitioner's concerns, the individual signature challenges are dismissed as moot.¹

Additionally, the 670 signatures that were struck by petitioner's challenge as discussed above bring the total count of remaining valid signatures to eighty-five (85). I, therefore, **CONCLUDE** that the nominating petition of respondent is legally insufficient under N.J.S.A. 19:13-5 because it contains only eighty-five (85) of the requisite 250 signatures.

ORDER

Based upon the foregoing, it is **ORDERED** that respondent's petition be declared invalid and respondent be excluded from the ballot for the 2026 General Election of the United States House of Representatives Member in New Jersey's 7th Congressional District.

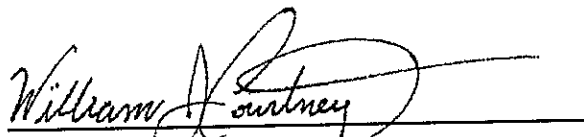
I hereby **FILE** my initial decision with the **SECRETARY OF STATE** for consideration.

¹ Were Books Two through Nine not struck, the individual signature challenges raised by petitioner would remain moot as they would be insufficient to bring respondent's number of valid signatures below 250.

This recommended decision may be adopted, modified or rejected by the **SECRETARY OF STATE**, who by law is authorized to make a final decision in this matter. If the Secretary of State does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Any party may file exceptions with the **DIRECTOR OF THE DIVISION OF ELECTIONS, DEPARTMENT OF STATE**, by facsimile transmission at (609) 777-1280 within two hours of receipt of the initial decision. A hard copy shall be mailed within twenty-four hours of the facsimile transmission to the **DIRECTOR OF THE DIVISION OF ELECTIONS, DEPARTMENT OF STATE, 225 West State Street, 5th Floor, PO Box 304, Trenton, New Jersey 08625-0304**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

June 11, 2026
DATE


WILLIAM J. COURTNEY, ALJ

Date Received at Agency:

June 11, 2026

Date Mailed to Parties:

June 11, 2026

jb



KeyCite Red Flag

Unconstitutional or PreemptedUnconstitutional as Applied by [Arsenault v. Way](#), D.N.J., May 17, 2021



KeyCite Yellow Flag

Proposed Legislation

New Jersey Statutes Annotated

Title 19. Elections

Subtitle 3. Primary Elections

Chapter 23. Primary for General Election

Article 3. Nomination of Candidates

N.J.S.A. 19:23-11

19:23-11. Verification of petitions

Effective: December 26, 2014

[Currentness](#)

Such petitions shall be verified by the oath or affirmation by affidavit of the person who circulates each petition, including a candidate who signs or circulates, or both signs and circulates, such a petition, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that the affiant personally circulated the petition; that the petition is signed by each of the signers thereof in his proper handwriting; that the signers are to the best knowledge and belief of the affiant legal voters of the State or political subdivision thereof, as the case may be, as stated in the petition, belong to the political party named in the petition; and that the petition is prepared and filed in absolute good faith for the sole purpose of indorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in such petition. The person who circulates the petition shall be a registered voter in this State whose party affiliation is of the same political party named in the petition.

Credits

Amended by [L.2010, c. 68, § 4, eff. Jan. 1, 2011](#); [L.2014, c. 83, § 2, eff. Dec. 26, 2014](#).

Editors' Notes

VALIDITY

<For validity of this section, see [Arsenault v. Way](#), 2021 WL 1561524 (D.N.J.).>

<For validity of a prior version of this section, see [Empower Our Neighborhoods v. Guadagno](#), 2014 WL 1315198.>

Notes of Decisions (5)

N. J. S. A. 19:23-11, NJ ST 19:23-11

Current with laws through [L.2026, c. 30 and J.R. No. 1](#)



KeyCite Yellow Flag

Unconstitutional or Preempted Prior Version Held Unconstitutional by [Empower Our Neighborhoods v. Guadagno](#), N.J. Super., Mar. 31, 2014



KeyCite Yellow Flag

Proposed Legislation

[New Jersey Statutes Annotated](#)

[Title 19. Elections](#)

[Subtitle 2. General Elections](#)

[Chapter 13. Nomination of Candidates \(Refs & Annos\)](#)

[Article 2. Direct Nominations by Petition](#)

N.J.S.A. 19:13-7

19:13-7. Certification of petition

Effective: December 26, 2014

[Currentness](#)

Before any petition shall be filed as hereinafter provided, the person who circulates the petition, or a candidate who signs or circulates, or both signs and circulates, such a petition, shall make oath by affidavit before a duly qualified officer that the petition is made in good faith, that the affiant personally circulated the petition and saw all the signatures made thereto and verily believes that the signers are duly qualified voters. The person who circulates the petition shall not be required to be a registered voter, but shall be voter eligible, which means at least 18 years of age, a resident of this State, a citizen of the United States, and not otherwise disqualified under the New Jersey Constitution.

Credits

Amended by L.1973, c. 135, § 1, eff. May 17, 1973; [L.2010, c. 68, § 2, eff. Jan. 1, 2011](#); [L.2014, c. 83, § 1, eff. Dec. 26, 2014](#).

Editors' Notes

VALIDITY

<For validity of a prior version of this section, see [Empower Our Neighborhoods v. Guadagno](#), 2014 WL 1315198.>

2021 Electronic Update

ASSEMBLY STATE AND LOCAL GOVERNMENT COMMITTEE STATEMENT

Assembly Bill No. 3629--L.2014, c. 83

DATED: SEPTEMBER 22, 2014

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 3629.