



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

25 MARKET STREET

PO BOX 112

TRENTON, NJ 08625-00112

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

Angela Cai
Acting Attorney General

MICHAEL C. WALTERS
Acting Director

November 6, 2025

Via ecourts

Hon. Carol V. Novey Catuogno, A.J.S.C.
Bergen County Justice Center
10 Main Street
Suite/Room 425
Hackensack, NJ 07601

Re: New Jersey State Democratic Committee v. Board of Election of
Bergen County, et. al.
Docket No.: BER-L-7347-25

Dear Judge Catuogno:

As Your Honor is aware, this office represents defendant Bergen County Board of Elections ("Board") in the above referenced matter.

I am writing at the request of the Board to update the Court as to the substantial efforts the Board took yesterday to comply with this Court's November 4, 2025 Order, as set forth in the attached certification of the Board's Clerk, Alicia Perez-Frederick. I am also writing to provide key upcoming dates for the Court's awareness. As a result of a 3-3 deadlock, the Board, however, continues to take no position as to the pending application.¹

I. Compliance Efforts

This Court ordered that 447 deficient mail-in ballots be rejected and that the Board "immediately begin to notify those voters that their mail-in ballots will not be counted and provide the names, addresses, and voter identification number of those voters to the parties so that they

¹ The Board recognizes that this Court ordered any additional filings by any party in support of its position due by 12:00pm on November 5, 2025. Given the Board's many duties on Election Day and yesterday, it was not able to convene in time to meet that deadline. Additionally, the Board does not write in support of any position, but only to provide the Court with relevant information.



may, too, notify the voters that their mail-in ballots will not be counted, so that each voter may report to their polling place to cast a provisional ballot” on Election Day.

Immediately following the issuance of this Court’s Order, a team of 17 staff members and 4 Commissioners created the required list to be shared with the political parties and other interested parties, a process that included: transcribing voters’ names, addresses and voter ID numbers to paper and Excel, making photocopies, and making scans of the lists so they could be shared. In accordance with this Court’s Order the Board also set aside and preserved the 447 ballots.

Later on Election Day, the Board also reviewed 46 additional mail-in ballots, 41 of which had no inner envelope, 4 of which had no ballot, and 1 had no certification. In accordance with this Court’s Order, the Board voted to reject these ballots. However, as with the original 447 ballots, the Board deadlocked as to whether a cure process was available or appropriate. In accordance with the Court’s Order, the Board has set aside and preserved these mail-in ballots and also compiled a list of the additional affected voters, which was shared with the political parties to contact the impacted voters.

Apart from creating the required list to be shared with the political parties, the Board’s team also searched each impacted voter in the Statewide Voter Registration System to find email addresses and telephone numbers by which Board staff could contact the impacted voters in accordance with this Court’s Order. Through that effort, the Board was able to find 396 telephone numbers and 201 email addresses, though there were 78 impacted voters for whom the team could not acquire either.

Upon securing the available contact information, the Board ultimately sent emails to the 201 voters whose email addresses were available between 5:30 and 8:00pm. The Board was also able to make calls to 127 voters whose telephone numbers were available, but did not have emails on file, prior to running out of time. Additionally, Commissioners Padilla and Schettino worked with the County Office of Emergency Management to attempt a reverse 911 call to inform the impacted voters, but this was unfortunately not able to be accomplished prior to 8pm due to a technological issue.

In sum, the Board contacted 328 voters within this exceptionally tight timeline, all while carrying out its numerous Election Day duties in what is traditionally considered the second busiest election in New Jersey’s four-year election cycle.

II. Upcoming Deadlines

The Board also wishes to advise the Court of a number of upcoming deadlines requiring the Board’s compliance.

First, the statutory deadline for the Board to receive cure forms is November 15, 2025. N.J.S.A. 19:63-17.

Next, the Board must comply with Election audit processes beginning November 17, 2025, and be completed prior to certification of results. N.J.S.A. 19:61-9. The certification is to take place on November 19, 2025. See N.J.S.A. 19:19-1 to -17.

Respectfully submitted,

ANGELA CAI
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Levi Klinger-Christiansen
Levi Klinger-Christiansen
(Attorney ID: 334052020)
Deputy Attorney General
Levi.KlingerChristiansen@law.njoag.gov

cc. all counsel (via ecourts)

RETRIEVED FROM DEMOCRACYDOCKET.COM