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Attorneys for Plaintiffs

REPUBLICAN NATIONAL COMMITTEE,  
INC., NEW JERSEY REPUBLICAN STATE  
COMMITTEE, INC. and MICHAEL  
McGUIRE,

Plaintiffs,

v.

STATE OF NEW JERSEY, DEPARTMENT  
OF STATE, DIVISION OF ELECTIONS;  
DALE G. CALDWELL, in his official  
capacity as Secretary of State of New Jersey;  
and WALKER M. WORTHY JR., in his  
official capacity as Mercer County  
Superintendent of Elections.

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MERCER COUNTY

DOCKET NO.: MER-L-

Civil Action

**VERIFIED COMPLAINT**

Plaintiffs, the Republican National Committee, Inc. (the “RNC”), the New Jersey Republican State Committee, Inc. (“NJGOP”) and Michael McGuire (“McGuire”) (collectively referred to as “Plaintiffs”), by and through their undersigned counsel, file this Verified Complaint against Defendants State of New Jersey, Department of State, Division of Elections (the “Division of Elections”), Dale G. Caldwell, in his official capacity as Secretary of State of New Jersey (the “Secretary of State”), and Walker M. Worthy Jr., in his official capacity as Mercer County Superintendent of Elections (the “Mercer County Superintendent”) (collectively referred to as “Defendants”), and, in support thereof, avers the following:

## INTRODUCTION

1. The New Jersey Constitution limits the class of eligible voters to New Jersey residents and only New Jersey residents.
2. Article II § 1 ¶ 3(a) of the New Jersey Constitution is unambiguous: “Every citizen of the United States [...], *who shall have been a resident of this State and of the county in which he claims his vote 30 days*, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people[.]” (emphasis added).
3. This fundamental voter qualification requirement has been repeatedly reaffirmed by New Jersey courts. Rutgers University Student Assembly v. Middlesex County Bd. of Elections, 446 N.J. Super. 221, 238-39 (“The State has a strong interest in ensuring that all of its registered voters meet the constitutional and statutory requirements to vote, namely having been a resident of this State and of the county in which he claims his [or her] vote [for thirty] days prior to the election.”) (brackets in original) (quoting N.J. Const. art. II, § 1, ¶ 3) (internal quotations omitted).
4. The New Jersey Supreme Court has further established that for voting purposes, the word “residence,” as used in the Constitution and State election statutes, means “domicile.” State v. Benny, 20 N.J. 238, 252 (1955) (“It has long been held in this State that the residence requirements of the Constitution and the statutes mean that a voter must be domiciled in the State of New Jersey.”).
5. Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, *et. seq.* (“UOCAVA”) to ensure that *military servicemembers* and *certain* other overseas citizens may register and vote in federal elections in a state they are temporarily absent from or in which they previously resided. UOCAVA may have the effect of partially preempting

state residency requirements—including those of New Jersey—for *some*, but not all, overseas voters.

6. Despite the New Jersey Constitution’s unambiguous requirement of residency and domicile within New Jersey as a qualification to be registered to vote, a provision of New Jersey’s Overseas Residents Absentee Voting Law unlawfully purports to extend voter qualifications beyond the scope of the Constitution and UOCAVA to include certain individuals who *do not and have never resided in New Jersey*. N.J.S.A. 19:59-2(f); N.J.S.A. 19:59-3. Specifically, N.J.S.A. 19:59-2(f) defines “Overseas federal election voter” to include certain United States citizens born outside of the United States who do not and have never resided in New Jersey or *anywhere* in the United States.

7. The class of persons who could meet the definition of “overseas federal election voter[s]” under N.J.S.A. 19:59-2(f), and which could thus be granted voting privileges, is far broader than the persons covered by UOCAVA.

8. As a result, certain people not covered by UOCAVA who have never resided in New Jersey or anywhere in the United States are eligible to register to vote and vote in federal elections as New Jersey voters, have in fact registered to vote and voted in federal elections as New Jersey voters, and will continue to register to vote and vote in federal elections as New Jersey voters.

9. This is not only a violation of the New Jersey Constitution but also dilutes Plaintiffs’ votes and harms Plaintiffs’ organizational missions.

10. In this way, N.J.S.A. 19:59-2(f) has allowed persons who have never resided in New Jersey to register and vote in federal elections in violation of the New Jersey Constitution.

### **PARTIES**

11. The RNC is the national committee for the Republican Party, representing all registered Republicans across both the State and nation, as well as the values they stand for. The RNC serves as the collective voice for the Republican Party's platform. It is the national committee of the Republican Party as defined by 52 U.S.C. § 30101(14). The RNC's principal place of business is 310 First Street SE, Washington, D.C.

12. The RNC's core mission involves organizing lawful voters and encouraging them to support Republican candidates at all levels of government, including throughout New Jersey. The RNC expends significant time and resources to ensure the integrity of elections across the nation, including in New Jersey. These efforts are intended to ensure that the votes and voices of its members, its candidates, and the party are not silenced or diluted in any way.

13. The NJGOP is a state committee of the Republican Party, as defined by 52 U.S.C. § 30101(15), and a political party as defined by N.J.S.A. 19:1-1. The NJGOP represents the interests of registered Republican voters, residing across all 21 counties in the State. The NJGOP also advocates for the interests of millions of unaffiliated voters who align with various aspects of the Republican Party platform.

14. The NJGOP's mission and platform include an emphasis on election integrity and security just as the RNC's does. The NJGOP's core mission includes counseling interested voters and volunteers on election participation including hosting candidate and voter registration events, staffing voting protection hotlines, investigating reports of election law violations and voter disenfranchisement, and providing election day volunteers. The NJGOP spends tremendous time and effort advocating for its members throughout all levels of government to make sure they are heard both at the ballot box and beyond.

15. The RNC and NJGOP have organizational standing to bring this action. On its face, N.J.S.A. 19:59-2(f) conflicts with the New Jersey Constitution. Defendants' violations of the New Jersey Constitution directly impact the RNC's and NJGOP's core organizational missions of election integrity and providing services aimed at promoting Republican voter engagement and electing Republican candidates for office. Defendants' constitutional violations have forced the RNC and NJGOP to divert more of their resources into election integrity efforts. As a result, the RNC and NJGOP will have no choice but to expend increased amounts of time and money, beyond what they would have already spent, in order to combat this unconstitutional interference with their election participation. For example, the RNC and NJGOP will need to commit additional resources to monitoring New Jersey's voter rolls, voter activity, and responding to instances of potential illegal voting in upcoming elections.

16. Additionally, the NJGOP has associational standing because its members have standing in their own right to challenge Defendants' actions. The NJGOP represents millions of registered Republican voters across the state of New Jersey, including at least one registered Republican voter in each of New Jersey's 21 counties, which is a matter of public record. The NJGOP's members are directly harmed by non-resident voters registering and voting in New Jersey's elections. These members' votes are undoubtedly diluted as a result of ineligible voters participating in elections due to Defendants' actions. Additionally, these members' rights to participate in a fair and secure electoral process, free from illegal voting, will be significantly hindered. Ensuring such freedom and security in all elections throughout New Jersey is germane to the NJGOP's organizational mission.

17. Plaintiff Michael McGuire is a resident of Monmouth County, New Jersey, a registered voter, United States Marine, and is the Republican nominee for the office of member

of the United States House of Representatives for New Jersey's 3<sup>rd</sup> Congressional District in the November 3, 2026 General Election. As a candidate for public office and a registered voter, Mr. McGuire has an interest in protecting his vote and the votes of all legally qualified persons who intend to cast a ballot in the upcoming General Election from being diluted by ballots cast by individuals who are unconstitutionally registered under N.J.S.A. 19:59-2(f). Moreover, as a candidate, Mr. McGuire "ha[s] a concrete and particularized interest in the rules that govern the counting of votes in [his] election[], regardless whether those rules harm [his] electoral prospects or increase the cost of [his] campaigns," because that interest "extends to the integrity of the election—and the democratic process by which [he] earn[s] or lose[s] the support of the people [he] seek[s] to represent." Bost v. Illinois State Bd. of Elections, 607 U.S. 71, 82 (2026).

18. As participants in the New Jersey electoral process, Plaintiffs RNC and NJGOP similarly share Mr. McGuire's harm in participating in an electoral environment in which constitutionally ineligible individuals may cast ballots because it undermines the integrity of the electoral process and the political legitimacy of the RNC's and NJGOP's winning candidates that they nominate and support, causing reputational harm that is "particularly concrete for those whose very jobs depend on the support of the people." Id. at 78. See also Nat'l Republican Senatorial Comm. v. FEC, 607 U.S. \_\_\_\_\_, 2026 WL 1868932, at \*14 (2026) (noting that political parties and their candidates share a "unity of interest").

19. Plaintiffs' ability to compete in the upcoming election is hampered as a direct result of Defendants' refusal to ensure that only qualified voters may register and vote in elections in New Jersey, which risks opening the door to potentially illegal voting and invalid election results.

20. Defendant Division of Elections, which exists within the Department of State, is the state agency responsible for overseeing elections in New Jersey and performing election-related duties on behalf of Defendant Secretary of State, who serves as New Jersey's chief election official. The Division of Elections oversees mandated voter registration agencies in the State, N.J.A.C. 13:1E-1.2(k), and is the State agency responsible for maintenance of the Statewide Voter Registration System, among other things. N.J.S.A. 19:31-31.

21. The office of the Secretary of State exists pursuant to Article V, § 4 of the New Jersey Constitution. The Secretary of State is the agency head of the Department of State, which contains Defendant Division of Elections and is the chief election official in New Jersey, N.J.S.A. 52:16A-98, whose duties include serving as the single State official responsible for overseeing compliance with UOCAVA, N.J.S.A. 19:59-16, exercising statewide oversight of elections and of the Statewide Voter Registration System ("SVRS") through the Division of Elections and coordinating overseas voting. Defendant Secretary of State is sued in his official capacity and not as an individual.

22. Defendant Mercer County Superintendent is the Commissioner of Registration for the County of Mercer, State of New Jersey, as defined and authorized by N.J.S.A. 19:32-26 and in this capacity, is responsible for the oversight and security of voter registration, voter eligibility determinations, and elections within the County of Mercer. This Defendant is sued in his official capacity and not as an individual.

### **JURISDICTION AND VENUE**

23. This Court has subject matter jurisdiction over the claims asserted herein pursuant to N.J.S.A. 2A:16-50-53 and R. 4:52-1.

24. This Court has personal jurisdiction over the Division of Elections as a state agency in New Jersey.

25. This Court has personal jurisdiction over Defendants Secretary of State and Mercer County Superintendent, as each is sued in their official capacity as a government official in New Jersey and each is a citizen of New Jersey, residing in the state.

26. Venue is proper in this Court pursuant to R. 4:3-2(a)(2), (3).

### **FACTUAL ALLEGATIONS**

27. The New Jersey Constitution operates as a limitation on legislative power. While the Legislature may regulate the mode and manner of elections, it may not enlarge the Constitution's voter qualifications. See Gangemi v. Berry, 25 N.J. 1, 7, 12 (1957).

### **N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 Conflict with the New Jersey Constitution**

28. N.J.S.A. 19:59-3 purports to allow people who have never lived in New Jersey to register to vote here so long as they meet the definition of "overseas federal election voter":

any person meeting the qualifications of an *overseas federal election voter* may register to vote and may apply for and vote by mail-in ballot in any federal election held in the election district of this State in which the voter, or in the case of an overseas federal election voter who was born outside of the United States described in subsection f. of section 2 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal guardian, spouse, partner in civil union, or domestic partner was formerly domiciled.

[N.J.S.A. 19:59-3 (emphasis added).]

29. The definition of "overseas federal election voter" is unconstitutional:

any citizen of the United States who was born outside of the United States, is not an "overseas voter" under subsection e. of this section or an "overseas State and federal voter" under subsection l. of this section, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last

place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.) would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States

[N.J.S.A. 19:59-2(f) (emphasis added).]

31. N.J.S.A. 19:59-2(f) and 19:59-3 (together, the “Non-Resident Voter Provisions”) unconstitutionally purport to extend voting rights to persons who have *never* been residents of New Jersey, and may have never lived in the United States, provided that the last place their parent, current legal guardian, spouse, partner in civil union, or domestic partner was, or would have been, eligible to register and vote before departure from the United States was within New Jersey.

32. Further, the Non-Resident Voter Provisions purport to extend voting rights to persons living overseas who have never lived in New Jersey but who may have, at one time, lived in a state other than New Jersey, provided they did not ever register to vote in any other state, and provided that the last place their parent, current legal guardian, spouse, partner in civil union, or domestic partner was, or would have been, eligible to register and vote before departure from the United States is within New Jersey.

33. Under any reasonable readings of the Non-Resident Voter Provisions, certain non-residents of New Jersey, who may never have resided in New Jersey, would be permitted to register to vote in federal elections in New Jersey and to apply for and vote by mail-in ballots in such elections.

34. The Non-Resident Voter Provisions directly conflict with Article II, § 1 of the New Jersey Constitution by purporting to eliminate the requirement that a person reside in New Jersey before registering to vote.

## **UOCAVA Does Not Preempt State Residency Requirement for People Who Have Never Resided in the State.**

35. Although UOCAVA may preempt Article II, § 1 ¶ 3(a) of the New Jersey Constitution’s residency requirement for New Jersey voters who fall within its scope, it does not preempt the requirement for voters who do not reside—and have never resided—in New Jersey. Those voters are not UOCAVA voters, nor are they within UOCAVA’s scope.

36. UOCAVA requires states to “permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office[.]” 52 U.S.C. § 20302(a)(1).

37. An “absent uniformed services voter,” as defined by UOCAVA, means a “member of a uniformed service on active duty” or “the merchant marine who, by reason of service” is “absent from the place of residence where the member is otherwise qualified to vote” and such an individual’s “spouse or dependent . . . who by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote[.]” 52 U.S.C. § 20310(1).

38. An “overseas voter,” as defined by UOCAVA, means:

- (A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
- (B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or
- (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

[52 U.S.C. § 20310(5).]

39. In both form and function, UOCAVA only extends voter eligibility to voters who are *temporarily away from the state* and others who at least have *been domiciled in the state at some point*.

40. UOCAVA, consequently, does not preempt the New Jersey Constitution's residency qualification for voters who *have never resided in the state*, which applies to the "entitle[ment] to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people." N.J. Const. art. II, § 1, ¶ 3(a).

41. UOCAVA's definitions of "absent uniformed services voter" and "overseas voter" are narrower than the Non-Resident Voter Provisions: they do not encompass individuals who have never resided in the state in which they wish to register and vote, which is exactly the class of persons that the Non-Resident Voter Provisions purport to exempt from the New Jersey Constitution's residency requirement.

42. The Non-Resident Voter Provisions clearly conflict with the New Jersey Constitution to the extent they are implemented to exempt certain voters from the residency requirement for individuals voting in New Jersey elections (for federal office or otherwise), and because neither UOCAVA nor any other federal law preempts the New Jersey Constitution's residency requirement as it applies to voters who have never resided in New Jersey.

#### **Defendants' Implementation of the Non-Resident Voter Provisions is Unconstitutional**

43. Defendant Secretary of State is the chief election official of New Jersey and is responsible for SVRS, which is "the official State repository for voter registration information for every legally registered voter in this State, and shall serve as *the official voter registration system for the conduct of all elections in the State.*" N.J.S.A. 19:31-31 (emphasis added).

44. Further, Defendant Secretary of State oversees voter registration procedures for all elections in which overseas voters are eligible to vote. See N.J.S.A. 19:63-6(b)(1) (requiring the Secretary of State to "provide[] all information regarding overseas ballots *to each overseas voter eligible for such a ballot*" and to "make available valid overseas voter registration and ballot applications to any voter [...] *who is an overseas voter who wishes to register to vote or to vote in*

*any jurisdiction in this State,*” and “provide such public notice as may be deemed necessary to inform members of the armed forces of the United States *and overseas voters* how to obtain valid overseas voter registration and ballot applications”) (emphasis added).

45. Defendant Division of Elections is the operational body through which the Secretary of State executes all election-related functions under New Jersey law. N.J.A.C. 15:10-1.2 (“The Division of Elections in the Department of State shall perform the activities listed in this chapter on behalf of the Secretary of State.”). These responsibilities include providing information to all overseas voters, overseas federal election voters, and overseas State and federal election voters who wish to register to vote or vote in any jurisdiction in the State, with respect to voter registration procedures and vote by mail procedures to be used by such voters for all elections in which the voter is eligible to vote, as well as providing voter registration and ballot applications to such overseas voters. N.J.S.A. 19:59-16.

46. Further, Defendant Division of Elections “oversees mandated voter registration agencies in the State and reports to the Federal Elections Commission.” N.J.A.C. 13:1E-1.2(k).

47. Defendant Mercer County Superintendent of Elections serves as Commissioner of Registration and has charge over the voter rolls of Mercer County.

48. N.J.S.A. 19:59-4(b) permits an overseas federal election voter to register and apply to vote by absentee ballot utilizing the Federal Post Card Application (“FPCA”). (Certification of Michael McGuire, Exhibit A.)

49. N.J.S.A. 19:59-14 further permits an overseas federal election voter, as a “qualified voter” pursuant to the Non-Resident Voter Provisions, to register and apply to vote using a federal Write In Absentee Ballot (“FWAB”). (Certification of Michael McGuire, Exhibit B.)

50. Notably, both the FPCA registration form and the FWAB require voters to affirm they meet one of several voter eligibility options, one of which states “I am a U.S. citizen living outside the country, and I have never lived in the United States.”

51. Upon information and belief, if an applicant selected this option on the FPCA or FWAB, Defendants would accept and process the application, even if the applicant is not, and has never been, a resident of New Jersey.

52. Defendants are thus facilitating ongoing violations of the New Jersey Constitution by permitting non-residents to register to vote in New Jersey for elections, including elections for federal offices, who do not meet the constitutional residency requirement.

53. As applied to Plaintiff Michael McGuire, this impermissibly dilutes his vote, and as applied to all Plaintiffs, it infringes upon their constitutional and statutory rights.

### **COUNT ONE**

#### **Declaratory Judgment and Permanent Injunction – Violation of New Jersey Constitution, Article II, § 1, ¶ 3(a)**

54. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

55. Plaintiffs bring this claim for declaratory judgment pursuant to N.J.S.A. 2A:16-50, *et. seq.* as to the rights, status, and other legal relations between Plaintiffs and Defendants.

56. Article II, § 1 ¶ 3(a) of the New Jersey Constitution expressly limits the right to vote within the State to those persons who are residents of the State.

57. Defendants, by implementing N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3, which permit the registration of individuals who do not and have never resided in New Jersey to vote in New Jersey elections, violate the New Jersey Constitution.

58. Upon information and belief, Defendants have permitted, and will continue to permit, persons who do not reside, and have never resided, in New Jersey to register to vote pursuant to N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3.

59. Directly, and as applied to Plaintiff Michael McGuire, this action dilutes his vote and infringes upon his right to participate in and run for political office in free and fair elections. See N.J. Const. art. I, ¶ 1 (guaranteeing equal rights and prohibiting unequal treatment), N.J. Const. art. I, ¶ 2 (providing that political power is inherent in the people), N.J. Const. art. II, § 1, ¶ 3 (setting forth qualifications of voters and protecting the franchise).

60. Defendants' violation of the New Jersey Constitution directly and as applied to Plaintiffs RNC and NJGOP has harmed their organizational missions, including election integrity, voter outreach, and working so that Republican candidates are elected to office.

61. Defendants' violation of the New Jersey Constitution has further harmed the State of New Jersey, its citizens, and all constitutionally eligible voters, and violates public policy by diluting the votes of lawful voters and infringing upon the integrity of State elections.

62. Defendants must immediately cease their violations of the New Jersey Constitution and take all steps necessary to remedy the harm they have caused to Plaintiffs by allowing non-resident voters who are constitutionally ineligible to vote to register to vote in New Jersey elections.

63. An actual, real, presently existing, concrete and justiciable controversy exists between Plaintiffs and Defendants in regard to, among other things, whether Defendants may allow non-residents to register and vote in New Jersey elections.

64. Further, Defendants' actions have harmed and will continue to harm Plaintiffs by infringing on their constitutional and statutory rights as citizens, voters, participants in the electoral process, and a political party.

**COUNT TWO**  
**(Writ of Mandamus - Secretary of State)**

65. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

66. Pursuant to R 4:69-1, Plaintiffs have the right to seek, through an action in lieu of prerogative writ, a writ of mandamus compelling a government official to perform a ministerial act.

67. Defendant Secretary of State is a government official who, as the chief election official of the State of New Jersey, has a ministerial, non-discretionary duty to enforce the terms of the New Jersey Constitution and to establish safeguards ensuring that only eligible voters are able to register to vote.

68. The New Jersey Attorney General acts as the “sole legal adviser, attorney or counsel” to the Secretary of State and all State agencies, including the Division of Elections and has a statutory duty to “[e]nforce the provisions of the Constitution and all other laws of the State.” N.J.S.A. 52:17A-4.

69. Article II, § 1, ¶ 3(a) of the New Jersey Constitution unambiguously requires a person to “have been a resident of this State and of the county in which he claims his vote 30 days” in order to register to vote.

70. The Non-Resident Voter Provisions purport to allow persons who do not meet the residency requirement of the New Jersey Constitution and who are not UOCAVA voters to register and vote in New Jersey elections in direct violation of Article II § 1 ¶ 3(a) of the New Jersey Constitution.

71. Upon information and belief, Defendants Secretary of State and Division of Elections have contacted persons who meet the unconstitutional terms of the Non-Resident Voter Provisions and advised them that they have the right to vote in New Jersey Elections in direct violation of Article II § 1 ¶ 3(a) of the New Jersey Constitution.

72. Upon information and belief, County Commissioners of Registration, such as Defendant Mercer County Superintendent, have registered individuals to vote pursuant to the Non-Resident Voter Provisions in direct violation of Article II § 1 ¶ 3(a) of the New Jersey Constitution.

73. Upon information and belief, County Clerks have issued ballots to individuals who have been permitted to register to vote pursuant to the Non-Resident Voter Provisions in direct violation of Article II § 1 ¶ 3(a) of the New Jersey Constitution.

74. Upon information and belief, ballots issued to voters who do not meet the constitutional requirements to vote have been cast, received and counted by County Boards of Election in direct violation of Article II § 1 ¶ 3(a) of the New Jersey Constitution.

75. The Defendant Secretary of State has failed to uphold his duty to abide by the New Jersey Constitution and his statutory duties to ensure that only constitutionally eligible persons are able to register to vote by allowing the other Defendants and county-level election officials to unconstitutionally register to vote and permit the casting of ballots pursuant to the Non-Resident Voter Provisions.

76. As a direct result of the failure of the Secretary of State to discharge his duty to enforce Article II § 1 ¶ 3(a) of the New Jersey Constitution and to follow non-discretionary statutory mandates, Plaintiffs have and will continue to suffer harm.

WHEREFORE, Plaintiffs demand judgment against Defendants for the following relief:

- a. For a declaratory judgment that:
  1. Any and all provisions of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 that permit any individual who does not reside, and has never resided, in New Jersey to register to vote in New Jersey are facially unconstitutional and shall henceforth be declared null and void and legally unenforceable.

2. Defendants' implementation of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 is unconstitutional as applied to Plaintiffs as it specifically violates Article II, § 1 ¶ 3(a) of the New Jersey Constitution; and
  3. Any participation by a non-resident of New Jersey who has never resided in the State in any New Jersey election is a violation of Article II, § 1 ¶ 3(a) of the New Jersey Constitution as applied to Plaintiffs.
- b. For an Order permanently enjoining Defendants and any political subdivision of the State of New Jersey from registering any individual who does not reside, and has never resided, in New Jersey to vote in New Jersey elections pursuant to N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3, and commanding Defendants to cease and correct the harm their unconstitutional actions have caused Plaintiffs, by performing the following actions:
1. Defendants must immediately instruct county Boards of Elections not to process and to segregate any ballots returned by individuals who have never resided in the State of New Jersey, including but not limited to, anyone who registered to vote by submitting an FPCA or FWAB and checked the aforementioned box on either form;
  2. Defendants must remove the aforementioned box from any applicable New Jersey online voting applications, as allowing it to remain risks facilitating both new and ongoing violations of Plaintiffs' constitutional and statutory rights, and revise all official guidance and documents issued by the Division of Elections accordingly;
  3. Defendants must immediately instruct County Commissioners of Registration to reject voter registration applications in any form from

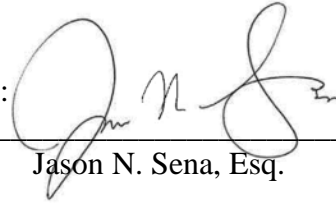
individuals who Defendants determine have never resided in New Jersey and to remove from the voter rolls individuals who have unlawfully registered to vote pursuant to the Non-Resident Voter Provisions;

4. Defendants must take all steps necessary to ensure that votes from individuals who have checked the aforementioned box on an FPCA or FWAB are not transmitted or counted in any elections;
  5. Defendants must update all relevant websites to include language stating that the constitutional requirements to vote in New Jersey require residence in the State and that individuals who do not reside in the State, and have never resided in the State are ineligible to vote unless they qualify under certain federal exemptions to the New Jersey Constitution's residency requirement; and
  6. Defendants must notify the U.S. Department of Defense's Federal Voting Assistance Program ("FVAP") that individuals who have never resided in New Jersey are ineligible to vote in the State's elections and to provide FVAP with updated state-specific instructions to include in FVAP's materials made available to UOCAVA voters on its website and through other means.
- c. For a Writ of Mandamus compelling the Defendant Secretary of State to take all appropriate steps to enforce Article II § 1 ¶ 3(a) of the New Jersey Constitution, including but not limited to causing the removal of all individuals registered to vote pursuant to the Non-Resident Voter Provisions from the voter rolls and to take the actions specified in paragraph b. above.

- d. For attorneys' fees, costs and such other relief as the Court deems appropriate and just.
- e. For such other and further relief as the Court deems necessary and proper under the circumstances of this case.

ARCHER & GREINER, P.C.  
*Attorneys for Plaintiffs,*

By:



\_\_\_\_\_  
Jason N. Sena, Esq.

Dated: July 9, 2026

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**CERTIFICATION PURSUANT TO RULE 4:5-1**

The undersigned hereby certifies the following:

1. To the best of my knowledge and belief, this matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any such proceeding contemplated at this time by the plaintiff.
2. To the best of my knowledge and belief, there are no other parties who must be joined in this action.
3. Confidential personal identifiers, if any, have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

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

ARCHER & GREINER, P.C.  
*Attorneys for Plaintiffs,*

By: \_\_\_\_\_

  
Jason N. Sena, Esq.

Dated: July 9, 2026

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Jason N. Sena, Esq., is hereby designated as trial counsel for Plaintiff.

ARCHER & GREINER, P.C.  
*Attorneys for Plaintiffs*

By: 

\_\_\_\_\_  
Jason N. Sena, Esq.

Dated: July 9, 2026

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**VERIFICATION**

Michael Ambrosini, of full age, hereby certifies as follows:

1. I am the Chief of Staff of the Republican National Committee, Inc., a Plaintiff in this action. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true.

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

By: /s/Michael Ambrosini  
MICHAEL AMBROSINI

Dated: 7/9/2026

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**VERIFICATION**

Luke Ferrante, of full age, hereby certifies as follows:

1. I am the Executive Director of the New Jersey Republican State Committee, Inc., a Plaintiff in this action. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true.

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

By:   
LUKE FERRANTE

Dated: 7/9/2026

**VERIFICATION**

Michael McGuire, of full age, hereby certifies as follows:

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

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

By:   
MICHAEL McGUIRE

Dated: 7/9/2026

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**ARCHER & GREINER, P.C.**

Jason N. Sena, Esq. (#016842012)  
 10 Highway 35  
 Red Bank, NJ 07701  
 732-268-8000

*Attorneys for Plaintiff*

REPUBLICAN NATIONAL COMMITTEE, INC., NEW JERSEY REPUBLICAN STATE COMMITTEE, INC. and MICHAEL McGUIRE,  <p style="text-align: center;">Plaintiffs,</p> v.  STATE OF NEW JERSEY, DEPARTMENT OF STATE, DIVISION OF ELECTIONS; DALE G. CALDWELL, in his official capacity as Secretary of State of New Jersey; and WALKER M. WORTHY JR., in his official capacity as Mercer County Superintendent of Elections.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY  DOCKET NO.: MER-L-  <p style="text-align: center;">Civil Action</p> <p style="text-align: center;"><b>ORDER TO SHOW CAUSE</b></p>
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THIS MATTER having been opened to the Court by Archer & Greiner, P.C., attorneys for Plaintiffs seeking relief by way of summary action pursuant to R. 4:67-1 and 2(a), based upon the facts set forth in the verified complaint and supporting papers filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding and for good cause shown;

1. **IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2026 **ORDERED** that the Defendants appear and show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 at \_\_\_\_\_ o'clock before the Honorable Robert T. Lougy, A.J.S.C., Superior Court of New Jersey, County of Mercer, Mercer County Criminal Courthouse, 400 South Warren Street, Floor 4, New Jersey, why judgment should not be entered:

A. For a declaratory judgment that:

- i. Any and all provisions of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 that permit any individual who does not reside, and has never resided, in New Jersey to register to vote in New Jersey are facially unconstitutional and shall henceforth be declared null and void and legally unenforceable;
  - ii. Defendants' implementation of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 is unconstitutional as applied to Plaintiffs as it specifically violates Article II, § 1 ¶ 3(a) of the New Jersey Constitution; and
  - iii. Any participation by a non-resident of New Jersey who has never resided in the State in any New Jersey election is a violation of Article II, § 1 ¶ 3(a) of the New Jersey Constitution as applied to Plaintiffs.
- B. For an Order permanently enjoining Defendants and any political subdivision of the State of New Jersey from registering any individual who does not reside, and has never resided, in New Jersey to vote in New Jersey elections pursuant to N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3, and commanding Defendants to cease and correct the harm their unconstitutional actions have caused Plaintiffs, by performing the following actions:
- i. Defendants must immediately instruct county Boards of Elections not to process and to segregate any ballots returned by individuals who have never resided in the State of New Jersey, including but not limited to, anyone who registered to vote by submitting an FPCA or FWAB and checked the aforementioned box on either form;
  - ii. Defendants must remove the aforementioned box from any applicable New Jersey online voting applications, as allowing it to remain risks facilitating both

new and ongoing violations of Plaintiffs' constitutional and statutory rights, and revise all official guidance and documents issued by the Division of Elections accordingly;

- iii. Defendants must immediately instruct County Commissioners of Registration to reject voter registration applications in any form from individuals who Defendants determine have never resided in New Jersey and to remove from the voter rolls individuals who have unlawfully registered to vote pursuant to the Non-Resident Voter Provisions;
- iv. Defendants must take all steps necessary to ensure that votes from individuals who have checked the aforementioned box on an FPCA or FWAB are not transmitted or counted in any elections;
- v. Defendants must update all relevant websites to include language stating that the constitutional requirements to vote in New Jersey require residence in the State and that individuals who do not reside in the State, and have never resided in the State are ineligible to vote unless they qualify under certain federal exemptions to the New Jersey Constitution's residency requirement; and
- vi. Defendants must notify the U.S. Department of Defense's Federal Voting Assistance Program ("FVAP") that individuals who have never resided in New Jersey are ineligible to vote in the State's elections and to provide FVAP with updated state-specific instructions to include in FVAP's materials made available to UOCAVA voters on its website and through other means.

C. For a Writ of Mandamus compelling the Defendant Secretary of State to take all appropriate steps to enforce Article II § 1 ¶ 3(a) of the New Jersey Constitution,

including but not limited to causing the removal of all individuals registered to vote pursuant to the Non-Resident Voter Provisions from the voter rolls and to take the actions specified above.

And it is further **ORDERED** that:

2. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the Defendants personally within three days hereof, this being original process; and

3. The Plaintiff must file with the Court their proof of service of the pleadings on the Defendant no later than 10 days before the return date; and

4. Defendant shall file and serve a written answer and opposition papers to this order to show cause and the relief requested in the verified complaint and proof of service of the same by \_\_\_\_\_, 2026. The answer and opposition papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of the Honorable Robert T. Lougy, A.J.S.C.; and

5. Plaintiff may file and serve a written reply by \_\_\_\_\_, 2026. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of the Honorable Robert T. Lougy, A.J.S.C.; and

6. If the Defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date;

7. If the Plaintiffs have not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date;

8. Defendants take notice that the Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer and opposition papers and proof of service before the return date of the order to show cause.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at:

[http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf). Unless exempt from paying the filing fee, include a \$175 filing fee payable to the “Treasurer, State of New Jersey.” You must also send a copy of your answer and opposition papers to the Plaintiff’s attorney whose name and address appear above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer and opposition papers (with the fee) or judgment may be entered against you by default.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer

Referral Services is available in the Civil Division Management Office in the county listed above and online at: [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

10. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the Court and parties are advised to the contrary no later than three days before the return date.

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HON. ROBERT T. LOUGY, A.J.S.C.

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**ARCHER & GREINER, P.C.**

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*Attorneys for Plaintiffs*

<p>REPUBLICAN NATIONAL COMMITTEE, INC., NEW JERSEY REPUBLICAN STATE COMMITTEE, INC. and MICHAEL McGUIRE,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>STATE OF NEW JERSEY, DEPARTMENT OF STATE, DIVISION OF ELECTIONS; DALE G. CALDWELL, in his official capacity as Secretary of State of New Jersey; and WALKER M. WORTHY JR., in his official capacity as Mercer County Superintendent of Elections.</p> <p style="text-align: center;">Defendants</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY</p> <p>DOCKET NO.: MER-L-</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;"><b>FINAL ORDER</b></p>
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THIS MATTER having been opened to the Court by Archer & Greiner, P.C., attorneys for Plaintiffs seeking relief by way of summary action pursuant to R. 4:67-1 and 2(a), and Defendants State of New Jersey, Department of State, Division of Elections (the “Division of Elections”), Dale G. Caldwell, in his official capacity as Secretary of State of New Jersey (the “Secretary of State”) and Walker M. Worthy Jr., in his official capacity as Mercer County Superintendent of Elections (the “Mercer County Superintendent”) based upon the facts set forth in the Verified Complaint and supporting papers filed and based upon the evidence presented, and for good cause shown;

**IT IS** on this \_\_\_\_ day of \_\_\_\_\_, 2026 **ORDERED** as follows:

1. It is hereby declared and adjudged that N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 facially violates Article II § 1 ¶ 3(a) of the New Jersey Constitution by purporting to permit any

individual who does and has never resided in New Jersey to register to vote in New Jersey and is hereby declared null and void and legally unenforceable; and

2. It is further declared and adjudged that Defendants' implementation of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 (the "Non-Resident Voter Provisions") violated Article II, § 1 ¶ 3(a) of the New Jersey Constitution by allowing persons who have never resided in New Jersey to register and vote in New Jersey elections; and

3. It is further declared and adjudged that any participation by a non-resident of New Jersey who has never resided in the State in any New Jersey election was a violation of Article II, § 1 ¶ 3(a) of the New Jersey Constitution; and

4. Defendants and all political subdivisions of the State of New Jersey are permanently enjoined from registering or permitting to be registered any individual who does not reside, and has never resided, in New Jersey to vote in New Jersey elections under the purported authority of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3; and

5. That a Writ of Mandamus is hereby issued requiring Defendants to cease and correct the harm their unconstitutional actions have caused Plaintiffs by performing the following actions:

a. Defendants Division of Elections and Secretary of State must immediately instruct and cause all County Commissioners of Registration to reject voter registration applications in any form from individuals who are determined have never resided in New Jersey and to remove from the voter rolls individuals who have unlawfully registered to vote pursuant to the Non-Resident Voter Provisions; and

b. Defendants Division of Elections and Secretary of State shall immediately instruct all county Boards of Elections not to process and to segregate any ballots returned in connection

with the November 3, 2026 General Election by individuals who have never resided in the State of New Jersey, including but not limited to, anyone who registered to vote by submitting a Federal Post Card Application (“FPCA”) or federal Write In Absentee Ballot (“FWAB”) and checked the box on either form indicating that they have never resided in New Jersey; and

c. Defendants shall take all steps necessary to ensure that votes from individuals who have checked the aforementioned box on an FPCA or FWAB are not transmitted or counted in any elections; and

d. Defendants Division of Elections and Secretary of State shall take affirmative action to ensure the identification and removal by all Commissioners of Registration any individuals who are registered pursuant to the Non-Resident Voter Provisions no later than the deadline for doing so relative to the November 3, 2026 General Election; and

e. Defendants Division of Elections and Secretary of State shall remove the aforementioned box from any applicable New Jersey online voting applications, as allowing it to remain risks facilitating both new and ongoing violations of Plaintiffs’ constitutional and statutory rights, and revise all official guidance and documents issued by the Division of Elections accordingly; and

f. Defendants Division of Elections and Secretary of State must update all relevant websites and forms to include language stating that the constitutional requirements to vote in New Jersey require residence in the State and that individuals who do not reside in the State, and have never resided in the State are ineligible to vote unless they qualify under certain federal exemptions to the New Jersey Constitution’s residency requirement; and

g. Defendants Division of Elections and Secretary of State must notify the U.S. Department of Defense’s Federal Voting Assistance Program (“FVAP”) that individuals who

have never resided in New Jersey are ineligible to vote in the State's elections and to provide FVAP with updated state-specific instructions to include in FVAP's materials made available to UOCAVA voters on its website and through other means; and

**IT IS FURTHER ORDERED** that a copy of this Order shall be deemed served upon all parties of record upon filing on eCourts.

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HON. ROBERT LOUGY, A.J.S.C.

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REPUBLICAN NATIONAL COMMITTEE,  
INC., NEW JERSEY REPUBLICAN STATE  
COMMITTEE, INC. and MICHAEL  
McGUIRE,

Plaintiffs,

v.

STATE OF NEW JERSEY, DEPARTMENT  
OF STATE, DIVISION OF ELECTIONS;  
DALE G. CALDWELL, in his official  
capacity as Secretary of State of New Jersey;  
and WALKER M. WORTHY JR., in his  
official capacity as Mercer County  
Superintendent of Elections.

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MERCER COUNTY

DOCKET NO.: MER-L-

Civil Action

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**BRIEF IN SUPPORT OF PLAINTIFFS' ORDER TO SHOW CAUSE**

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On The Brief:

Jason N. Sena, Esquire  
Nicholas R. Carlson, Esquire

## PRELIMINARY STATEMENT

Article II, § 1 ¶ 3(a) of the New Jersey Constitution unambiguously requires voters to be domiciled in New Jersey in order to register and vote in New Jersey elections. Through this action, Plaintiffs seek a declaratory judgment that N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3, which purport to allow persons who do not meet the residency requirement of the New Jersey Constitution to register and vote in New Jersey elections, are facially unconstitutional. Plaintiffs also seek an injunction preventing further registration of persons who do not meet the New Jersey Constitution's minimum residency requirement pursuant to these provisions. Finally, Plaintiffs seek a Writ of Mandamus to compel Defendants to take the necessary steps to remove persons who may have been unconstitutionally registered pursuant to these provisions from the voter rolls.

A permanent injunction is necessary to prevent imminent and irreparable harm. Defendants, who are all named in their official capacities as election officials, oversee various aspects of the voter registration process in New Jersey. In those official capacities, Defendants have and will continue to register a yet unknown number of constitutionally ineligible nonresident voters pursuant to N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3. Permitting constitutionally ineligible people to register and vote in elections harms the Political Party Plaintiffs and their members by diluting the power of lawfully cast ballots and undermining the integrity of federal elections in New Jersey and harms Plaintiff McGuire because he has “a concrete and particularized interest in the rules that govern the counting of votes in [his] election[.]” There is no viable post-election remedy, nor is it appropriate to shift the burden of complying with the New Jersey Constitution from election officials to others. The irreparable harm is imminent: mail-in ballots for the upcoming November 3, 2026 General Election will be

sent to persons who are registered pursuant to the aforementioned provisions on September 19, 2026.

The law is clear and well-settled: the residency requirements of the New Jersey Constitution cannot be modified by state statute. The statutory provisions challenged here – N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 – purport to do just that by expanding voter eligibility to nonresident voters who have never resided in the United States, let alone New Jersey. No application of these statutes is Constitutional. Therefore, Plaintiffs are highly likely to prevail on the merits of their claims.

The balance of equities also weighs heavily in Plaintiffs' favor. The purpose of this action is to ensure that only those who are constitutionally eligible are registered and permitted to vote. The Plaintiffs and the public at large are gravely harmed by non-residents' participation in New Jersey elections. Defendants, on the other hand, will suffer no harm from an injunction requiring them to honor the New Jersey Constitution's residency requirement.

Because this is a matter of great public importance, Plaintiffs respectfully request that this Court grant their application and declare N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 to be facially unconstitutional, permanently enjoin the Defendants from permitting persons to register pursuant to those provisions and issue a Writ of Mandamus to compel Defendants to remove persons unconstitutionally registered pursuant to those provisions from the voter rolls.

### **STATEMENT OF FACTS**

Plaintiff Republican National Committee, Inc. (the "RNC") is the national committee for the Republican Party, representing all registered Republicans across both the state and nation, as well as the values they stand for. (Verified Complaint, ¶11.) Plaintiff New Jersey Republican State Committee, Inc. ("NJGOP") is a state committee of the Republican Party. (Verified Complaint,

¶13.) The core mission of both the RNC and NJGOP includes an emphasis on election integrity and security and providing services aimed at promoting Republican voter engagement and electing Republican candidates for office. (Verified Complaint, ¶¶12-15.) These services include counseling interested voters and volunteers on election participation, hosting candidate and voter registration events, staffing hotlines, investigating reports of election law violations and voter disenfranchisement, and providing election day volunteers. (Verified Complaint, ¶14.)

Plaintiff Michael McGuire is a resident of Monmouth County, a registered voter, United States Marine and is the Republican nominee for member of the United States House of Representatives for New Jersey's 3rd Congressional District in the November 3, 2026 General Election. (Verified Complaint, ¶17.) As a candidate for public office and a registered voter, Mr. McGuire has an interest in protecting the electoral weight of his vote and those of all qualified voters who intend to cast a ballot in the upcoming General Election from being diluted by unlawful votes. (Verified Complaint, ¶17.) He also has an interest in ensuring that the General Elections are conducted in a lawful manner.

Defendants are government officials who are statutorily charged with overseeing the election process, including the registration of voters. Defendant State of New Jersey, Department of State, Division of Elections (the "Division of Elections") is the state agency responsible for overseeing elections and performing election-related duties on behalf of Defendant Dale G. Caldwell, in his official capacity as Secretary of State (the "Secretary of State"), who serves as New Jersey's chief election official. (Verified Complaint, ¶¶19-20.) The Division of Elections is the operational body through which the Secretary of State executes all election-related duties, including oversight of mandated voter registration agencies in the State, maintenance of the Statewide Voter Registration System ("SVRS") and providing information, voter registration and

ballot applications to all overseas voters. (Verified Complaint, ¶¶17-19.) Defendant Walker M. Worthy Jr., in his official capacity as Mercer County Superintendent of Elections (the “Mercer County Superintendent”), is responsible for the oversight and security of voter registration, voter eligibility determinations, and elections within the County of Mercer. (Verified Complaint, ¶22.)

The statutes challenged here, N.J.S.A. 19:59-2(f) and 19:59-3 (together, the “Non-Resident Voter Provisions”), unconstitutionally purport to extend voting rights to persons who have *never* been residents of New Jersey, and may have never lived in the United States, in direct violation of the New Jersey Constitution’s unambiguous residency requirement. The Division of Elections, Secretary of State and Mercer County Superintendent are facilitating ongoing violations of the New Jersey Constitution by permitting unqualified non-residents to register to vote in New Jersey for elections, including elections for federal offices. The Defendants’ actions in implementing the Non-Resident Voter Provisions have harmed, and will continue to harm, Plaintiffs as well as all constitutionally eligible New Jersey voters by permitting constitutionally ineligible voters to register and cast ballots in New Jersey elections, thus diluting the votes of eligible voters. (Certification of Michael McGuire, ¶¶1-10.) Furthermore, candidates for political office will be harmed because ballots cast by constitutionally ineligible voters may provide the margin of their opponents’ victory in certain elections. (Certification of Michael McGuire, ¶¶11-13.)

Official deadlines related to the upcoming November 3, 2026 General Election are quickly approaching, making the disposition of this matter time sensitive.

### **STANDARD OF REVIEW**

Four essential elements must be established to obtain an injunction: (1) the moving party will suffer irreparable harm, (2) the legal right underlying the party’s claim is well-settled, (3) the essential material facts underlying the party’s claim are substantially uncontroverted so as to

enable the party to make a preliminary showing “of a reasonable probability of ultimate success on the merits;” and (4) the relative hardship (i.e., the balancing of the equities) to the parties weighs in favor of the moving party. Crowe v. DeGioia, 90 N.J. 126 (1982); Waste Mgmt. of New Jersey, Inc. v. Union Cty. Utilities Auth., 399 N.J. Super. 508, 519-20 (App. Div. 2008). Election-related cases “that present[] an issue of significant public importance [...] require the court to consider the public interest in addition to the traditional Crowe factors.” N.J. Election Law Enf’t Comm’n v. DiVincenzo, 445 N.J. Super. 187, 195-96 (App. Div. 2016); see also Garden State Equality v. Dow, 216 N.J. 314, 321 (2013).

### **LEGAL ARGUMENT**

Plaintiffs seek a declaratory judgment that the Non-Resident Voter Provisions are unconstitutional because they facially conflict with the residency requirement of the New Jersey Constitution. N.J.S.A. 2A:16-52 (Declaratory Judgment Act); N.J. Const. art. II § 1 ¶ 3(a) (residency requirement). This Court has the power to do so under the Declaratory Judgment Act. N.J.S.A. 2A:16-52 (arming courts with the “power to declare rights, status and other legal relations, whether or not further relief is or could be claimed; and no action or proceeding shall be open to objection on the ground that a declaratory judgment is demanded.”). Likewise, the Court has the power to permanently enjoin Defendants from unconstitutionally performing any official acts which permit or solicit persons who do not meet the State Constitution’s residency requirement from registering to vote or casting a ballot, and to compel Defendant Secretary of State to take all necessary steps to remove persons so-ineligible from the voter rolls of this state.

As set forth below, Plaintiffs meet the standard to obtain a permanent injunction declaring the Non-Resident Voter Provisions to be facially unconstitutional and compelling the

Defendants to take all appropriate action to remove ineligible voters from the rolls and to cease allowing ineligible voters to register.

**I. PLAINTIFFS WILL SUFFER IRREPARABLE HARM IF RELIEF IS NOT GRANTED**

The New Jersey Supreme Court has defined “irreparable harm” as harm that “cannot be redressed adequately by monetary damages,” and where “pecuniary damages may be inadequate because of the nature of the injury or of the right affected.” Crowe, 90 N.J. at 133; see also Green v. Piper, 80 N.J. Eq. 288 (Ch. Div. 1912) (“Harm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages.”) The harm Plaintiffs will suffer here is precisely the kind of irreparable harm that cannot be redressed by money damages.

**A. Plaintiffs Will Suffer Irreparable Harm Through Vote Dilution**

There is no question that allowing constitutionally ineligible people to register and vote in New Jersey elections irreparably harms Plaintiffs, and the general public, through vote dilution. “A citizen’s constitutional right to vote for the candidate of his or her choice necessarily includes the corollary right to have that vote counted at full value without dilution or discount.” In re Gray-Sadler, 164 N.J. 468, 474 (2000) (quoting Reynolds v. Sims, 377 U.S. 533, 555 n.29 (1964) (internal quotations omitted)). “The State has a strong interest in ensuring that all of its registered voters meet the constitutional and statutory requirements to vote, namely having been a resident of the State and county in which he claims his or her vote thirty days prior to the election.” Rutgers University Student Assembly v. Middlesex County Bd. of Elections, 446 N.J. Super. 221, 238-39 (App. Div. 2016) (quoting N.J. Const. art. II, § 1, ¶ 3) (internal quotations omitted).

As the Supreme Court recently confirmed, election-related injuries of this nature are concrete and particularized harms. A candidate “has a personal stake in the rules that govern the

counting of votes in his election,” and suffers injury when those rules deviate from law. Bost v. Illinois State Bd. of Elections, 607 U.S. 71, 76 (2026). That injury exists independent of the ultimate outcome of the election and includes, *inter alia*, harm to the integrity of the electoral process itself.

Every person who is unconstitutionally registered pursuant to the Non-Resident Voter Provisions necessarily dilutes the vote of each lawfully registered New Jersey voter, including the votes of Republican party members and of McGuire. Vote dilution is a Constitutional injury of the highest magnitude. See In re Gray-Sadler, 164 N.J. at 474. Beyond vote dilution, the Supreme Court has recognized that unlawful election rules inflict distinct harms on candidates, including damage to their vote share, campaign operations, and political legitimacy. Bost, 607 U.S. at 78–79. Even apart from outcome effects, “candidates ... suffer when the process departs from the law,” because they have a distinct interest in a fair and accurate election. Id. at 78. Accordingly, the injury here is not merely abstract or contingent—it is concrete, present, and particularized to Plaintiffs as participants in the election process.

The State’s interest in ascertaining the true will of the electorate, ensuring that all registered voters meet the constitutional requirements to vote, preventing fraud, and ensuring public confidence in election integrity will also be harmed if constitutionally ineligible persons continue to be permitted to register in violation of the express provisions of the New Jersey Constitution.

Once constitutionally ineligible voters have cast ballots, the legal mechanism to nullify those votes through an election contest does not completely address the harm caused by vote dilution and is impractical and costly. New Jersey’s election contest statute, N.J.S.A. 19:29-1, provides that an election may be contested when illegal votes have been received, but only in

sufficient numbers to change the result. “A successful election contesteer must prove by a preponderance of the evidence that illegal votes were received,” and that the number of such votes was “sufficient to change the result.” In re Election for Atlantic County Freeholder District 3 2020 General Election, 468 N.J. Super 341, 355-56 (App. Div. 2021). Put another way, the election contest statute only allows for the irreparable harm caused by receipt of illegal votes to be addressed if enough illegal votes were cast to change the outcome of a specific election. This remedy does not address the inherent harm caused by vote dilution because it fails to provide a legal mechanism to nullify ballots cast by constitutionally ineligible voters unless it would change the outcome of an election. See N.J.S.A. 19:29-1. This is hardly an adequate mechanism to remedy the inherent harm caused to lawful voters any time a constitutionally ineligible person casts a ballot.

Aside from being inadequate, the election contest statute is an impractical and expensive remedy for the harm caused to lawful voters by vote dilution. In an election contest, “the contestant has not only the burden of showing that illegal votes were cast in number sufficient to change the result if they had in fact been cast for the contestee, but also the burden of showing, to the extent possible under the circumstances, for whom the illegal votes were cast.” Application of Murphy, 101 N.J. Super. 163, 167 (1968). This could be cost prohibitive and time-consuming at the scale required for the number of ineligible non-resident voters likely to be registered pursuant to the Non-Resident Voter Provisions. Nor is it appropriate to expect private litigants to shoulder the burden of policing the voter rolls when the Defendants have a Constitutional and statutory duty to do so.

The harm caused by vote dilution resulting from the Non-Resident Voter Provisions is irreparable.

B. The Threat of Irreparable Harm is Imminent

The harm caused by constitutionally ineligible voters casting ballots is imminent since statutory deadlines related to the November 3, 2026 General Election are quickly approaching. County Clerks must commence mailing mail-in ballots to approved voters by September 19, 2026. N.J.S.A. 19:63-9 (45 days before the General Election). A judge of the Superior Court may order a name stricken from the SVRS upon determining that the person is “not entitled to vote” in the election district where registered up through the sixth Tuesday preceding the election, which this year falls on September 22, 2026. N.J.S.A. 19:33-1.<sup>1</sup>

Accordingly, this Court should find that the registration of non-resident voters pursuant to the Non-Resident Voter Provisions constitutes irreparable harm warranting the imposition of preliminary restraints.

II. THE LAW UNDERLYING PLAINTIFFS’ CLAIMS IS WELL SETTLED

The legal right underlying a plaintiff’s claims must be well-settled for restraints to issue. See Crowe, 90 N.J. at 133. Put another way, the substantive law underlying the relief sought by

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<sup>1</sup> The National Voter Registration Act (“NVRA”) requires New Jersey to “complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to **systematically remove** the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A) (emphasis added). Put another way, New Jersey cannot remove an eligible voter from the rolls within 90 days of a federal election as part of its *regular list maintenance*. See id. An exception to this blackout period exists for individualized determinations and the “correction of registration records pursuant to this chapter.” 52 U.S.C. § 20507(c)(2)(B)(ii). Since the constitutionally ineligible persons registered pursuant to the Non-Resident Voter Provisions should never have been registered in the first place and their eligibility to vote can be determined on an individualized basis, their removal pursuant to an order of this Court would not be part of the State’s systematic list maintenance activities and thus the NVRA would not prohibit their removal. If the exception didn’t apply (it does), the immediate disposition of this matter would be even more necessary because the blackout period would begin on August 5, 2026. 52 U.S.C. § 20507(c)(2)(A).

the Plaintiff must be established and not in a state of flux. See id. Here, the Constitutional residency requirement for voting is indeed well-settled.

A. The State Constitution Requires a Person to be Domiciled in the State to Register to Vote

It is black letter law that a person is not eligible to register or to vote in New Jersey unless that person has “been a resident of this State and of the county in which he claims his vote 30 days, next before the election.” N.J. Const. art. II § 1 ¶ 3(a). This Constitutional residency requirement has been repeatedly upheld. See, e.g., Rutgers University Student Assembly v. Middlesex County Bd. of Elections, 446 N.J. Super. 221, 238-39 (“The State has a strong interest in ensuring that all of its registered voters meet the constitutional and statutory requirements to vote, namely having been a resident of this State and of the county in which he claims his [or her] vote [for thirty] days prior to the election.”) (brackets in original) (quoting N.J. Const. art. II, § 1, ¶ 3) (internal quotations omitted).

The Supreme Court has interpreted the word “residence,” as used in the State Constitution and State election statutes to mean physical “domicile.” State v. Benny, 20 N.J. 238, 252 (1955) (“It has long been held in this State that the residence requirements of the Constitution and the statutes mean that a voter must be domiciled in the State of New Jersey.”). There can therefore be no mental reservation that the State Constitution requires a person to physically reside in the State for at least 30 days in order to register to vote, or to cast a ballot. See Rutgers University Student Assembly v. Middlesex County Bd. of Elections, 446 N.J. Super. at 238-39.

B. The State Constitution’s Residency Requirement is Not Preempted by Federal Law

This challenge to the Non-Resident Voter Provisions does not implicate the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, et. seq. (“UOCAVA”) in any

respect and is not preempted by it. In sum, UOCAVA allows military servicemembers and **certain** other overseas citizens to register and vote in federal elections in a state from which they are temporarily absent from or previously resided. See id. However, UOCAVA does not apply to individuals who have never resided in the state in which they wish to register and vote, which is exactly what the Non-Resident Voter Provisions purport to allow.

Under UOCAVA, an “absent uniformed services voter” can register to vote. That term is defined as a “member of a uniformed service on active duty” or “the merchant marine who, by reason of service” is “absent from the place of residence where the member is otherwise qualified to vote” and such an individual’s “spouse or dependent . . . who by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote[.]” 52 U.S.C. § 20310(1).

An “overseas voter” can also register to vote under UOCAVA. An “overseas” voter is defined as:

- (A) an absent uniformed services voter who, by reason of active duty or service **is absent** from the United States on the date of the election involved;
- (B) a person who resides outside the United States and is qualified to vote in the last place in which the person **was domiciled** before leaving the United States; or
- (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person **was domiciled** before leaving the United States.

[52 U.S.C. § 20310(5) (emphasis added).]

Pursuant to these definitions, UOCAVA only extends eligibility to voters who are *temporarily away from the state* and others who at least have *been domiciled in the state at some point*. See id. UOCAVA does not conflict with or preempt the New Jersey Constitution’s exclusion of voters who *have never resided in the state* or extend voting rights to such voters, as the Non-Resident

Voter Provisions purport to do. Thus, the New Jersey Constitution’s residency requirement is not preempted because UOCAVA only applies to voters who are *temporarily* absent; not voters who have never been domiciled in New Jersey.

Therefore, the substantive law on which this application is based is well-settled.

### **III. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS OF THEIR CLAIMS.**

To obtain an injunction, a plaintiff must show “a reasonable probability of ultimate success on the merits.” Crowe, 90 N.J. at 133; see Ideal Laundry Co. v. Gugliemone, 107 N.J. Eq. 108, 115-116 (E&A 1930); Zoning Board of Adjustment v. Service Electric Cable Television, 198 N.J. Super. 370, 378-379 (App. Div. 1985). Plaintiff must only show a reasonable probability of ultimate success on the merits – “mere doubt as to the validity of the claim is not an adequate basis for refusing to maintain the status quo...” Crowe, 90 N.J. at 133-134; Naylor v. Harkins, 11 N.J. 435 (1953). Plaintiffs are likely to succeed on the merits of their claims because the Non-Resident Voter Provisions are facially unconstitutional.

#### **A. The Non-Resident Voter Provisions Facially Conflict with the State Constitution**

The facts of this case demonstrate that Plaintiffs are likely to succeed on the merits of their claim that the Non-Resident Voter Provisions are unconstitutional and must be declared null and void, and an Order should be entered permanently enjoining Defendants from registering non-residents to vote in any New Jersey elections. When bringing a facial challenge, “a plaintiff cannot succeed on a facial challenge unless he ‘establish[es] that no set of circumstances exists under which the [law] would be valid,’ or he shows that the law lacks a ‘plainly legitimate sweep.’” Englewood Hospital & Medical Center v. State, 261 N.J. 195, fn.1 (2025) (quoting Moody v. NetChoice, LLC, 603 U.S. 707, 723 (2024)). A statute ‘is not facially unconstitutional if it operates constitutionally in some instances.’” Englewood Hospital &

Medical Center v. State, 261 N.J. at fn.1 (citing In re Contest of Nov. 8, 2011 Gen. Election, 210 N.J. 29, 47 (2012)).

No application of the Non-Resident Voter Provisions yields a constitutional outcome. The Non-Resident Voter Provisions unconstitutionally purport to expand the New Jersey Constitution by allowing people who have never lived here to register to vote here so long as they meet the definition of “overseas federal election voter”:

any person meeting the qualifications of an *overseas federal election voter* may register to vote and may apply for and vote by mail-in ballot in any federal election held in the election district of this State in which the voter, or in the case of an overseas federal election voter who was born outside of the United States described in subsection f. of section 2 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal guardian, spouse, partner in civil union, or domestic partner was formerly domiciled.

[N.J.S.A. 19:59-3 (emphasis added).]

The definition of “overseas federal election voter,” in turn, is unconstitutional because it allows people who do not meet the New Jersey Constitution’s residency requirement to register and vote so long as they meet the following criteria:

any citizen of the United States who was born outside of the United States, is not an ‘overseas voter’ under subsection e. of this section or an ‘overseas State and federal voter’ under subsection l. of this section, and, **except for the residency requirement of New Jersey**, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.) would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States

[N.J.S.A. 19:59-2(f) (emphasis added).]

In short, the statute purports to exempt what the Constitution requires.

Hypothetically, the Non-Resident Voter Provisions would allow someone born in France 40 years ago who has never set foot in the United States to qualify as an “overseas federal

election voter” as long as they are a United States citizen, the last place their parents “would have been, eligible to register and vote before departure from the United States is within New Jersey,” and they have never previously registered to vote elsewhere in the United States. See id. Clearly, the Non-Resident Voter Provisions facially conflict with the New Jersey Constitution, which requires domicile in New Jersey in order to register and vote.

Inclusion of the words “except for the residency requirement of New Jersey” in N.J.S.A. 19:59-2(f) was an obvious attempt to do away with the New Jersey Constitution’s residency requirement (albeit illegally) for certain United States citizens who live overseas. No application of the Non-Resident Voter Provisions could yield a Constitutional outcome since they allow people to register and vote who have never been domiciled in New Jersey as the New Jersey Constitution requires. See N.J. Const. art. II § 1 ¶ 3(a); Gangemi v. Berry, 25 N.J. at 12. This is precisely the type of situation that our Supreme Court envisioned where “no set of circumstances exists under which the [law] would be valid.” See Englewood Hospital & Medical Center v. State, 261 N.J. at fn.1. The Non-Resident Voter Provisions are in facial conflict with the New Jersey Constitution in every application.

#### B. Constitutional Voter Qualifications are Not Subject to Legislative Modification

A statute cannot extend voting rights to persons who do not meet the residency requirements of the New Jersey Constitution. See Gangemi v. Berry, 25 N.J. 1, 12 (1957) (“The mode and manner of the exercise of the right of suffrage is left to the sound discretion of the Legislature, but the constitutional qualifications of electors cannot be enlarged by the lawmaking authority”). The New Jersey Constitution’s residency requirement is clear: only persons who have “been a resident of this State and of the county in which he claims his vote 30 days, next before the election” can register or vote. See N.J. Const. art. II § 1 ¶ 3(a). Absent a

Constitutional amendment, that residency requirement cannot be altered. See Gangemi, 25 N.J. at 12. Yet, that is exactly what the Legislature unconstitutionally attempted to do here in adopting the Non-Resident Voter Provisions. Clearly, the adoption of the Non-Resident Voter Provisions in violation of the New Jersey Constitution’s residency requirement was an illegitimate act of the Legislature. See Gangemi v. Berry, 25 N.J. at 12.

C. Mandamus is the Appropriate Remedy to Compel Official Action

Actions in lieu of prerogative writ pursuant to R. 4:69-1 encompass the writ of mandamus. See Matter of Request to Modify Prison Sentences, 242 N.J. 357, 391 (2020) (“A writ of mandamus is an order given by a court to a government official ‘that commands the performance of a specific ministerial act or duty, or compels the exercise of a discretionary function, but does not seek to interfere with or control the mode and manner of its exercise or to influence or direct a particular result.’”) (internal citations omitted). “[M]andamus is an appropriate remedy ‘to compel specific action when the duty is ministerial and wholly free from doubt[.]’” Id (emphasis in original).

In addition to declaring the Non-Resident Voter Provisions unconstitutional and permanently enjoining Defendants from permitting persons to register to vote pursuant to them, Defendant Secretary of State must be compelled to take the appropriate action to remove persons currently registered under the Non-Resident Voter Provisions from the rolls. The New Jersey Constitution clearly requires people to be domiciled in the state in order to register and vote. See N.J. Const. art. II § 1 ¶ 3(a); Gangemi v. Berry, 25 N.J. at 12. It is clear that as the head of the Department of Law, the Attorney General, who serves as the legal advisor to the Secretary of State and Division of Elections, has a duty to enforce the New Jersey Constitution, including the residency requirement at issue here. See N.J.S.A. 52:17A-4. Likewise, Defendant Secretary of

State, as the chief election official in New Jersey, has a duty to “ensure that reasonable effort is made to remove registrants who are ineligible to vote pursuant to federal or State law” from SVRS. N.J.S.A. 19:31-32(d). Defendants have a duty to ensure that the Constitution is followed and cannot shield their inaction behind the unconstitutional Non-Resident Voter Provisions: “an unconstitutional law will be treated by the courts as null and void [and] will not prevent the issuing of the writ [of mandamus].” Board of Liquidation v. McComb, 92 U.S. 531, 541 (1875); Brown v. Boden, 51 N.J.L. 114, 116 (1888). A writ of mandamus is the appropriate remedy to cause the Secretary of State to ensure the removal of constitutionally ineligible voters registered pursuant to the Non-Resident Voter Provisions following a declaration of this Court that the Non-Resident Voter Provisions are unconstitutional.

Plaintiffs have clearly demonstrated a high likelihood of success on the merits.

#### **IV. THE RELATIVE EQUITIES WEIGH IN FAVOR OF THE PLAINTIFFS**

In determining whether to grant or deny an injunction, the Court must consider the relative hardship to the parties. Crowe, 90 N.J. at 134; Isolantite, Inc. v. United Elect. Radio and Mach. Workers, 130 N.J. Eq. 506, 515 (Ch. 1941), modified on other grounds, 132 N.J. Eq. 613 (E&A 1942). A request for injunctive relief will be denied only where the possible harm to a defendant resulting from the issuance of an injunction outweighs the potential harm to the plaintiff if the injunction does not issue. Suenram v. The Society of the Valley Hospital, 155 N.J. Super. 593, 597 (Law Div. 1977). Allowing ineligible people to register and vote is an injury of the highest magnitude in the context of elections.

The balancing of equities in this matter clearly favors Plaintiffs. As discussed above, there will be severe, irreparable harm to Plaintiffs and to the electoral process generally if Defendants are permitted to continue registering constitutionally ineligible, non-resident voters.

New Jersey courts have recognized that the right to vote, while fundamental, is not absolute, and that the State has legitimate interests in regulating the electoral process. See, e.g., Rutgers University Student Assembly, 446 N.J. Super. 221 (App. Div. 2016) (upholding 21-day advance registration requirement against a constitutional challenge).

Conversely, no harm will be imposed upon the Defendants, all of whom are election officials, for being forced to do what the Constitution already requires them to do. In their respective official capacities, Defendants have a duty to carry out the State's "important interest[] in preventing voter fraud, ensuring public confidence in the integrity of the electoral process, and enabling voters to cast their ballots in an orderly fashion." See In re Malinowski, 481 N.J. Super 128, 151 (App. Div. 2025). It cannot be seriously argued that following the Constitution by stopping the registration of ineligible voters and removing ineligible ones would impose any burden on Defendants whatsoever.

There is no harm to any individual excluded by the requested relief because individuals who do not meet the Constitution's residency requirement have no right to register or vote in New Jersey elections in the first place.

Accordingly, the equities clearly favor Plaintiffs.

## **V. THIS IS A MATTER OF PUBLIC IMPORTANCE**

Beyond the analysis of the Crowe factors, the issue of the Constitutionality of the Non-Resident Voter Provisions is one of significant public importance requiring judicial review. See Garden State Equality v. Dow, 216 N.J. at 321; DiVincenzo, 445 N.J. Super. at 195-96. Pre-election relief is particularly important because litigating the legality of ballots cast by non-residents after the election erodes voter confidence and trust in New Jersey's elections. See Bost, 607 U.S. at 80 ("Count first, and rule upon legality afterwards, is not a recipe for producing

election results that have the public acceptance democratic stability requires.” (quoting Bush v. Gore, 531 U.S. 1046, 1047 (2000) (Scalia, J., concurring))). These public interests weigh heavily in favor of granting Plaintiffs’ request for an injunction halting the continued registration of constitutionally ineligible voters and to compel the removal of persons who have unconstitutionally been permitted to register pursuant to the Non-Resident Voter Provisions.

**CONCLUSION**

For the reasons stated herein, it is respectfully submitted that this Court should issue a declaratory judgment finding the Non-Resident Voter Provisions to be unconstitutional, enjoining Defendants from taking any action to register or permit the registering of voters pursuant to the Non-Resident Voter Provisions, and issuing a writ of mandamus compelling the Secretary of State to cause the removal of constitutionally ineligible persons so registered from SVRS.

ARCHER & GREINER, P.C.  
Attorneys for Plaintiffs,

By: \_\_\_\_\_

JASON N. SENA

DATED: July 9, 2026

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REPUBLICAN NATIONAL COMMITTEE,  
INC., NEW JERSEY REPUBLICAN STATE  
COMMITTEE, INC. and MICHAEL  
McGUIRE,

Plaintiffs,

v.

STATE OF NEW JERSEY, DEPARTMENT  
OF STATE, DIVISION OF ELECTIONS;  
DALE G. CALDWELL, in his official  
capacity as Secretary of State of New Jersey;  
JENNIFER DAVENPORT, in her official  
capacity as Attorney General of New Jersey;  
and WALKER M. WORTHY JR., in his  
official capacity as Mercer County  
Superintendent of Elections.

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MERCER COUNTY

DOCKET NO.: MER-L-

Civil Action

**CERTIFICATION OF  
MICHAEL McGUIRE**

Michael McGuire, being of full age, hereby certifies as follows:

1. I am a Plaintiff in the above-referenced matter. I have first-hand knowledge of the facts set forth herein and make this certification in support of Plaintiffs' application for an order to show cause with temporary restraints seeking injunctive relief.

2. I am a candidate for the office of member of the United States House of Representatives for New Jersey's 3<sup>rd</sup> Congressional District in the November 3, 2026 General Election.

3. As a candidate, and as a constitutionally eligible registered voter in New Jersey, I have been, and will continue to be, harmed by the implementation of N.J.S.A. 19:59-2(f) and N.J.S.A. 19:59-3 (together, the “Non-Resident Voter Provisions”), which together permit the registration of nonresidents of New Jersey to vote in New Jersey elections.

4. The Non-Resident Voter Provisions cause the dilution of my vote, and the votes of all constitutionally eligible New Jersey voters who reside within the State, by permitting nonresidents to vote in violation of the New Jersey Constitution, which explicitly restricts voter eligibility to New Jersey residents.

5. The Non-Resident Voter Provisions further cause harm to me, and other candidates for office in New Jersey elections, by allowing constitutionally ineligible ballots to be cast by nonresident voters, thus affecting the results of all elections and greatly reducing the confidence of candidates that they have been subject to fair elections. Under the Non-Resident Voter Provisions, there is no way to determine whether unconstitutional votes by nonresidents of New Jersey provided the margin of victory in any election held in this State.

6. The Non-Resident Voter Provisions further cause harm to the general public and the State of New Jersey by reducing confidence in the integrity of elections because of the likelihood that elections may be decided by votes cast by constitutionally ineligible voters.

7. While researching the means by which nonresident voters are permitted to cast votes pursuant to the Non-Resident Voter Provisions, I discovered that a related statute, N.J.S.A. 19:59-4(b), allows such voters to register and apply to vote by absentee ballot utilizing the Federal Post Card Application (“FPCA”). A true and accurate copy of the FPCA is attached hereto as **Exhibit A**.

8. Similarly, I discovered that another related statute, N.J.S.A. 19:59-14, allows such voters to register and apply to vote using a federal Write In Absentee Ballot (“FWAB”). A true and accurate copy of the FWAB is attached hereto as **Exhibit B** and incorporated herein.

9. Both the FPCA registration form and the FWAB require voters to affirm they meet one of several voter eligibility options, one of which states “I am a U.S. citizen living outside the country, and I have never lived in the United States.” See **Exhibit A** and **Exhibit B**.

10. Given the provisions set forth in the statutes identified above, the FPCA, and the FWAB, it is highly likely that nonresidents of New Jersey are being registered to vote, and casting ballots, in New Jersey elections in direct violation of the New Jersey Constitution.

11. These unconstitutional actions are ongoing and the harm to me, other candidates for office, all constitutionally eligible voters, the general public, and the State of New Jersey continues to accrue.

12. As a candidate for political office and a constitutionally eligible registered voter residing in New Jersey, I am aware of the significant difficulty involved in attempting to remove ineligible voters from the voter rolls, and in attempting to contest ballots cast by such ineligible voters who may have been registered to vote in violation of the New Jersey Constitution.

13. Given this ongoing harm, and the near impossibility of sufficiently redressing it via voter removal and ballot contests, all officers, employees, and/or agencies of the State of New Jersey involved in implementing the Non-Resident Voter Provisions should immediately be enjoined from taking any further action pursuant to those statutes, pending a Court Order declaring them unconstitutional and imposing a permanent injunction.

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



---

MICHAEL McGUIRE

Dated:7/9/2026

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# EXHIBIT A

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# Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

**This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.**

Print clearly in blue or black ink, please see back for instructions.

## 1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

I am on active duty in the Uniformed Services or Merchant Marine **-OR-**  I am an eligible spouse or dependent.

I am a U.S. citizen living outside the country, and I intend to return.

I am a U.S. citizen living outside the country, and my intent to return is uncertain.

I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name	Suffix (Jr., II)	<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.
First name	Previous names (if applicable)	
Middle name	Birth date (MM/DD/YYYY)	
Social Security Number	Driver's license or State ID#	

## 2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address	Apt #
City, town, village	State
County	ZIP

## 3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)      Your mail forwarding address. (If different from mailing address)

## 4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	Phone:
Alternate email:	Fax:

## 5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)

Mail

Email or online

Fax

B. What is your political party for primary elections?

## 6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. *Additional state guidelines* may be found at FVAP.gov. You may also use this space to clarify your voter information.

## 7. You must read and sign this statement.

**I swear or affirm, under penalty of perjury, that:**

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

**Sign here**



**Today's date**  
(MM/DD/YYYY)

# You can vote wherever you are.

## 1. Fill out your form completely and accurately.

- Your U.S. address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. New Mexico, Tennessee, and Virginia require a full SSN.
- If you cannot receive mail at your current mailing address, please specify a mail forwarding address.
- Many states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- **Section 6 Requirements:** If your voting residence is Vermont, you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." If your voting residence is in Puerto Rico, you must list your mother's and father's first name.
- We recommend that you complete and submit this form every year while you are an absentee voter.

## 2. Remember to sign this form!

## 3. Return this form to your election official. You can find their contact information at FVAP.gov.

- Remove the adhesive liner from the top and sides. Fold and seal tightly. If you printed the form, fold it and seal it in an envelope.
- All states accept this form by mail and many states accept this form by email and fax. See your state's guidelines at FVAP.gov.

### Agency Disclosure Statement

The public reporting burden for this collection of information, OMB Control Number 0704-0503, is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. DO NOT SUBMIT YOUR FORM TO THE E-MAIL ADDRESS ABOVE.

### Privacy Advisory

**When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.**

**Questions?**  
**Email: [vote@fvap.gov](mailto:vote@fvap.gov)**

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To  
(Fill in the address of your election office.  
The address can be found online at FVAP.gov.)

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL



International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.

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From  
(Your name and mailing address)

U.S. Postage Paid  
39 USC 3406  
PAR AVION



## **EXHIBIT B**

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# Federal Write-In Absentee Ballot

- If you do not receive your absentee ballot in enough time to meet your state's deadlines, use this ballot as a backup. If you send in this ballot and receive your state's ballot later, you should fill out and return your state ballot as well, noting that you had previously sent in this ballot. Your election official will count only one ballot.
- The following require you to register and request an absentee ballot before filling out this form: AL, AS, AR, CT, FL, GU, HI, ID, IL, IN, KS, LA, NH, NJ, NM, NY, PA, PR, RI, SD, TX, WI, WV, and WY. If your state or territory is listed, complete a Federal Post Card Application (FPCA) online at [FVAP.gov](https://fvap.gov)
- If you already registered and requested a ballot, send in the *Voter Information page* and the *Official Backup Ballot*.
- Please be aware that some states will accept this form as registration and as an absentee ballot request for future elections.

## Use this form if you are:

- On active duty in the Uniformed Services or Merchant Marine
- An eligible spouse or dependent
- A U.S. citizen living outside the United States

## You can vote wherever you are. This is how.

### 1. Fill out your *Voter Information page* completely and accurately.

- Your U.S. voting residence address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. **DO NOT** write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. New Mexico, Tennessee, and Virginia require a full SSN.
- If you cannot receive mail at your current mailing address, please specify a mail forwarding address.
- Many states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- **Section 6 Requirements:** Puerto Rico requires your mother's and father's first name. If registering in Vermont you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." Additional state guidelines can be found at [FVAP.gov](https://fvap.gov).
- Remember to sign the bottom of the *Voter Information page*!

### 2. Carefully fill out and seal your *Official Backup Ballot*.

- **DO NOT** sign your ballot or include any personal information. Keep your ballot anonymous.
- If using a self-sealing form, remove the adhesive liner, fold and seal tightly.
- If you printed out the form, fold the voted ballot and seal it in an envelope marked "ballot enclosed".

### 3. Assemble your documents for mailing.

- Put your Voter Information page and Official Backup Ballot into the mailing envelope.
- You can find the address for your election office at [FVAP.gov](https://fvap.gov).
- All states accept this form by mail and many states accept this form by email and fax. See your state's guidelines at [FVAP.gov](https://fvap.gov).

#### Agency Disclosure Statement

The public reporting burden for this collection of information, OMB Control Number 0704-0502, is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.  
DO NOT SUBMIT YOUR FORM TO THE E-MAIL ADDRESS ABOVE.

#### Privacy Advisory

**When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.**

**Questions?**  
**Email: [vote@fvap.gov](mailto:vote@fvap.gov)**

# Voter Information

## Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink, please see back for instructions.

**Have you already registered and requested an absentee ballot?**

Some states allow you to use this form to register and request ballots for future elections. Visit [FVAP.gov](https://www.fvap.gov) for more details.

### 1. Who are you? Pick one.

- For absent Uniformed Service members, their families, and citizens residing outside the United States.
- I am on active duty in the Uniformed Services or Merchant Marine **-OR-**  I am an eligible spouse or dependent.
  - I am a U.S. citizen living outside the country, and I intend to return.
  - I am a U.S. citizen living outside the country, and my intent to return is uncertain.
  - I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name	Suffix (Jr., II)	<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.
First name	Previous names (if applicable)	
Middle name	Birth date (MM/DD/YYYY)	
Social Security Number	Driver's license or State ID#	

### 2. What is your U.S. voting residence address?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address	Apt #
City, town, village	State
County	ZIP

### 3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above) Your mail forwarding address. (If different from mailing address)

### 4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	Phone:
Alternate email:	Fax:

### 5. What are your preferences for future elections?

A. Do you want to register and request a ballot for all elections you are eligible to vote in? <input type="checkbox"/> Yes <input type="checkbox"/> No	B. How do you want to receive voting materials from your election office? <input type="checkbox"/> Mail <input type="checkbox"/> Email or online <input type="checkbox"/> Fax	C. What is your political party for primary elections?
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### 6. What additional information must you provide?

Alabama requires two witness signatures; Alaska, Virginia and Wisconsin, require one witness signature. Puerto Rico and Vermont need more information, see back for instructions. Additional state guidelines can be found at [FVAP.gov](https://www.fvap.gov).

### 7. You must read and sign this statement.

#### I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except those authorized to assist voters under State and Federal law.

**Sign here**



**Today's date**  
(MM/DD/YYYY)



# Official Ballot

Federal Write-In Absentee Ballot

**Private**

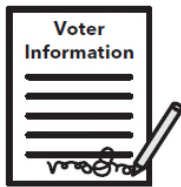
Fold your ballot and keep it private. Put it in the envelope.

# Before you seal this envelope:

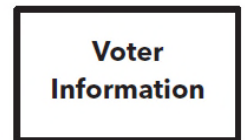


1. Sign and fold your *Voter Information* page.
2. Fold and seal your *Official Backup Ballot*.
3. Put both inside this envelope, and mail it to your election office. The address can be found at [FVAP.gov](http://FVAP.gov).

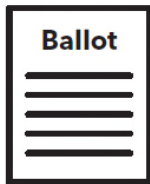
①



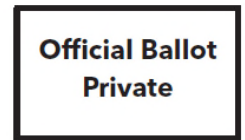
Fold in half



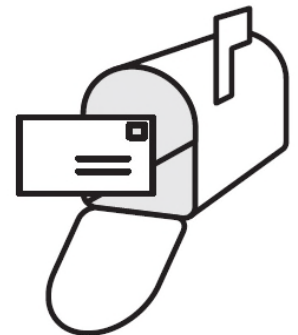
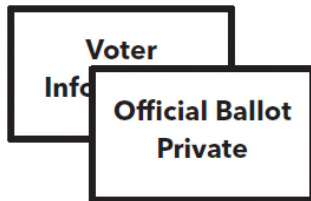
②



Fold and seal



③



## For election officials:

This is an official Federal Write-In Absentee Ballot authorized by 52 U.S.C. § 20301.

If you have questions about it, contact your State officials.



U.S. Postage Paid  
39 USC 3406

PAR AVION



From

(Your name and mailing address.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.

**I have enclosed my ballot for the** \_\_\_ / \_\_\_ **election.**  
MM    YYYY

OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL – DMM 703.8.0

**To**

(Fill in the address of your election office. The address can be found online at [FVAP.gov](http://FVAP.gov).)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Civil Case Information Statement

## Case Details: MERCER | Civil Part Docket# L-001637-26

**Case Caption:** REPUBLICAN NATIONAL COMMITTEE VS  
NEW JERSEY DIV

**Case Initiation Date:** 07/09/2026

**Attorney Name:** JASON N SENA

**Firm Name:** ARCHER & GREINER PC

**Address:** 10 ROUTE 35 RIVER PLAZA 2ND FL

RED BANK NJ 07701

**Phone:** 7322688000

**Name of Party:** PLAINTIFF : REPUBLICAN NATIONAL  
COMMITTEE,

**Name of Defendant's Primary Insurance Company**  
(if known): None

**Case Type:** ELECTION LAW

**Document Type:** Verified Complaint

**Jury Demand:** NONE

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same  
transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: REPUBLICAN NATIONAL  
COMMITTEE, ?** NO

**Are sexual abuse claims alleged by: NEW JERSEY REPUBLICAN  
STATE CO?** NO

**Are sexual abuse claims alleged by: MICHAEL MCGUIRE?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual  
management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO  
**Medical Debt Claim?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

07/09/2026  
Dated

/s/ JASON N SENA  
Signed

RETRIEVED FROM DEMOCRACYDOCKET.COM