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New Jersey, Scott Colby, Ada Draesel, and
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LEAGUE OF WOMEN VOTERS OF
NEW JERSEY, SCOTT COLBY, ADA
DRAESEL, and HEATHER
ROBERTSON,

Plaintiffs,

v.

THE OCEAN COUNTY BOARD OF
ELECTIONS and GEORGE GILMORE,
in his capacity as Chairman of the
Ocean County Board of Elections,

Defendants.

**SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

Civil Action

COMPLAINT

Plaintiffs League of Women Voters of New Jersey (“LWVNJ”), Scott Colby, Ada Draesel, and Heather Robertson bring this lawsuit under the John R. Lewis Voter Empowerment Act of New Jersey and the New Jersey Constitution in order to vindicate their rights and the rights of the LWVNJ’s members, and to remedy injuries. Plaintiffs bring this lawsuit against the Ocean County Board of Elections and George Gilmore in his official capacity as chairman of the Board. Plaintiffs allege as follows:

INTRODUCTION

1. “[T]he right to vote [is] very precious and fundamental.” *Worden v. Mercer Cnty. Bd. of Elections*, 61 N.J. 325, 346 (1972). Naturally, “efforts to restrict it” are “carefully and meticulously scrutinize[d].” *Id.*

2. Nevertheless, on the eve of the November 2026 election, Ocean County officials sent letters to a group of voters hand-picked by a local Republican Party leader threatening disenfranchisement if the targeted voters did not comply with a series of onerous tasks. More specifically, the letters sent to dozens of registered non-Republican voters in Bay Head—and *only* non-Republican voters—instructed them that to preserve their right to vote they must: (1) establish their legal domicile by completing a “Domicile Questionnaire,” containing over thirty questions, sub-questions, and demands, by September 30; (2) confirm their attendance at an upcoming meeting of the Board of Elections by October 9; and (3) attend that meeting on October 13 to prove their eligibility. If they did not comply, their fundamental “right to vote may be challenged for the November 3, 2026 General Election and future elections.” Or, to avoid all that, the voters could simply complete a “Letter of Removal” and forfeit their opportunity to participate in the democratic process.

3. Defendants threatened to disenfranchise these voters based only on the fact that, according to the Bay Head GOP President who sent the list of targeted voters to Ocean County, they receive their tax bills at mailing addresses outside of Bay Head. But a tax mailing address says little about a voter’s residency, which for voting purposes is an “expansive concept.” *In re Kriso*, 276 N.J. Super. 337, 341 (App. Div. 1994); *see also Worden v. Mercer Cnty. Bd. of*

Elections, 61 N.J. 325, 349–50, 294 A.2d 928 (1972) (Weintraub, C.J., concurring).

4. Still, the Ocean County Board of Elections intends to send these voters through a gauntlet of onerous and intimidating inquiries, and in doing so it strikes at “the very essence of our democratic process.” *Gangemi v. Berry*, 25 N.J. 1, 12 (1957).

5. The legal infirmities with Ocean County’s eleventh-hour mass voter challenge are several and glaring.

6. The New Jersey Legislature recently passed a cutting-edge array of statutory protections for voting. Enacted in July 2026, the John R. Lewis Voter Empowerment Act of New Jersey aims, in part, to “encourage participation in the elective franchise by all eligible voters to the maximum extent.” *See* A. 1715 (2026) (“NJVEA”).¹

7. The Board’s conduct here violates the NJVEA, as well as the equal protection guarantee and right to vote enshrined in the New Jersey Constitution. This Court must intervene to protect the rights of Bay Head voters.

¹ Although the NJVEA was enacted in July 2026, and most of its provisions are effective as of August 2026, including all provisions relevant here, it has not yet been codified in the New Jersey Statutes. Thus, Plaintiffs reference the final text of the Act itself and, for the Court’s convenience, reproduce its text in full where appropriate.

JURISDICTION & VENUE

8. This Court has personal jurisdiction over Defendants because they are public officials of the State of New Jersey.

9. Venue is proper in Mercer County under NJVEA Section 16(a).²

PARTIES

10. Plaintiff League of Women Voters of New Jersey (“LWVNJ”) is a nonprofit, nonpartisan, grassroots membership organization headquartered in Trenton, New Jersey.

11. LWVNJ includes independently incorporated 501(c)(3) and 501(c)(4) organizations and is a state affiliate of the League of Women Voters.

12. LWVNJ has 1,597 members across 30 local Leagues, including in Ocean County.

13. LWVNJ was founded in 1920 with a mission to encourage informed and active participation in government, increase understanding of major public policy issues, and influence public policy through education and advocacy. Core

² Section 16(a) provides that: “Any aggrieved persons or organization whose membership includes aggrieved persons or members of a protected class or who have otherwise been given the right to bring judicial action within this act, or any organization whose mission, in whole or in part, is to ensure voting access and such mission would be hindered by a violation of this act, or the Attorney General may file an action pursuant to this act in the Superior Court of the county in which the alleged violation of this act occurred or in the Superior Court in Mercer County.”

to its mission is ensuring voting access for all eligible New Jerseyans. Pursuant to this mission, LWVNJ registers voters, provides voters with nonpartisan election information, and conducts educational forums, candidate forums, and debates.

14. Plaintiffs Scott Colby, Ada Draesel, and Heather Robertson (collectively, “Voter Plaintiffs”) are eligible New Jersey voters who are registered to vote and reside in Bay Head, New Jersey. Each of them was listed in the letter sent to Defendants by Bay Head GOP President Dennis J. Shaning, claiming that they should not be permitted to vote in Bay Head, and each of them received a letter from Defendants threatening them with disenfranchisement if they did not complete a Domicile Questionnaire and otherwise prove to the Board’s satisfaction that they are eligible Bay Head voters.

15. Scott Colby grew up and met his wife in Bay Head, New Jersey. In late 2025, he retired and moved back to Bay Head, which he considers his full-time home and residence. Given his deep roots in the borough, Mr. Colby was dismayed that county officials would question his right to vote. But as a devoted member of the Bay Head community, Mr. Colby felt he had no choice but to fill out the Domicile Questionnaire. Mr. Colby spent several days gathering documents to substantiate his answers while redacting sensitive information.

Even with redactions, Mr. Colby feels he has been compelled to turn over sensitive personal information in order to exercise his right to vote. He also feels compelled to attend the public meeting of the Ocean County Board of Elections on October 13 to defend his right. Because of the efforts to question his eligibility to vote, Mr. Colby now distrusts that any ballot (including any provisional ballot) that he may cast in the upcoming November 2026 election will be counted. Although Mr. Colby is determined to vote on election day, he personally knows voters for whom the Domicile Questionnaire is too burdensome, as well as others who are too scared to try to vote in the upcoming November election.

16. Ada Draesel permanently moved to Bay Head roughly 25 years ago with her late husband, and she has owned a home in the borough for 53 years. A deeply involved member of the community, Ms. Draesel frequently attends her local church, All Saints Bay Head, and knows many of her fellow residents. Ms. Draesel has voted at the same polling place for decades and felt stunned and dumbfounded that Ocean County officials would question her eligibility. Ms. Draesel, who is 84 years old and lives alone, has tax documents sent to the residence of her daughter and son-in-law, who help manage her financial affairs. Feeling overwhelmed and confused by the Domicile Questionnaire, she sought help from her son-in-law to respond to the Board's letter but is not sure how he

will handle it. With prior plans to visit her daughter in Massachusetts, Ms. Draesel is unable to attend the public meeting on October 13 and fears her right to vote is in jeopardy. Ms. Draesler has received five or six copies of the same letter and Domicile Questionnaire in the mail, and someone from the Ocean County Board of Elections called her and began asking personal questions. As a result of these continued contacts, she feels she is being harassed and has decided not to pick up if the Board calls again. Overall, the efforts to question her eligibility have left Ms. Draesel confused and distraught.

17. Heather Robertson has permanently resided and voted in Bay Head for 24 years. Though she previously had her tax bills sent to her parents' home in North Arlington, NJ, she now receives them at her home in Bay Head. A deeply involved member of the community, Ms. Robertson has served on the town's planning board and environmental commission. She also co-owns a small business in town. Given her extensive community involvement, Ms. Robertson knows many local leaders, including Dennis Shaning. Ms. Robertson was taken aback upon receiving the letter from the Board, especially because it didn't explain the basis for questioning her eligibility. She went to great lengths to respond to the Domicile Questionnaire, spurred by her commitment to voting. To attend the public meeting on October 13, Ms. Robertson would have to take

time off work, and she has not decided whether she will do so. She is concerned she will be forced to vote by provisional ballot and that it may not be counted.

18. Defendant Ocean County Board of Elections is a governmental body organized pursuant to N.J.S.A. 19:6-17. It is composed of four commissioners, two from each of the county's largest parties. *Id.* The Board is responsible for administering elections in Ocean County, including "adding to, deleting from, amending and maintaining" records of Ocean County voters in the statewide registration system, pursuant to and consistent with state law. N.J.S.A. 19:31-2. For example, the Board may only remove voters from the statewide registration system on the basis of a change of residence in limited circumstances, requiring sufficient notice and inactivity for two consecutive election cycles. N.J.S.A. 19:31-15; *cf.* 52 U.S.C. § 20507(c) (imposing similar restrictions on voter removal under the NVRA).

19. Defendant George Gilmore is a commissioner on, and the chair of, the Ocean County Board of Elections. As chair, he has the power to call for meetings of the Board. Gilmore also serves as chairman of the Ocean County Republican Organization. He is sued here only in his official capacity as a member of the Ocean County Board of Elections.

FACTUAL BACKGROUND

20. Sometime between August 21, 2026 and September 1, 2026, Dennis J. Shaning, the president of the Bay Head borough council and also the president of the Bay Head GOP, sent a letter to the Ocean County Board of Elections (“Shaning Letter”). Mr. Shaning listed both of his titles, Bay Head Council President and Bay Head GOP President, under his signature on the letter.

21. Attached to the Shaning Letter is a table containing the names, addresses, dates of birth, and party affiliations of 39 voters in Bay Head—including the Voter Plaintiffs—all of whom were listed as either unaffiliated or registered Democratic voters. No Republican voters appeared on the list. Several of the unaffiliated voters on the list have the same Bay Head address or the same surname as a registered Democratic voter on the list.

22. The Shaning Letter claims that the listed voters “should not be voting in Bay Head.”

23. The Shaning Letter further claims that “these individuals have their tax bills [] sent to addresses outside of Bay Head.”

24. The letter asserts that: “If, in fact, they are living the majority of the year at a different location, we feel they should be voting in the municipality where they receive their tax bills.”

25. Shaning requested that the Board “look[] into this matter and remov[e] any individuals not found to be eligible to vote in Bay Head removed from the voter rolls here.”

26. Shortly thereafter, George Gilmore—chair of the Ocean County Board of Elections and chair of the Ocean County Republican Party—sent letters dated September 15, 2026 to the voters on Shaning’s list (“Gilmore Letters”).

27. Thus, reproducing Shaning’s partisan targeting approach, only Democratic and unaffiliated voters received the Gilmore Letters.

28. In at least one stark example, a husband and wife in the same household experienced different treatment: one spouse, a registered Democrat, received a letter, while the other spouse, a registered Republican, did not.

29. The Gilmore Letters state that “[a] question has arisen regarding your domicile or residence as it relates to your right to vote in Ocean County.”

30. The Gilmore Letters also request that recipients complete a “Domicile Questionnaire,” in order to “properly determine your legal domicile,” by September 30, 2026.

31. The Domicile Questionnaire contains 16 numbered questions and makes over 30 distinct requests for information, including 4 requests for documentation.

32. The Domicile Questionnaire contains requests for information on a variety of topics, ranging from boat ownership to the names of recipients' children.

33. The Gilmore Letters then state that the Board "will review your Domicile Questionnaire, submitted documents and written statements to determine your eligibility to vote in Ocean County" at a meeting scheduled on October 13, 2026.

34. The Gilmore Letters further invite recipients "to attend this meeting and provide any additional information for their consideration," and ask recipients to confirm such attendance or intention to participate by phone by October 9, 2026.

35. Otherwise, the letters warn, "[i]f we do not hear from you by that date, your right to vote may be challenged for the November 3, 2026 General Election and future elections."

36. Alternatively, instead of completing the 30-part Domicile Questionnaire, recipients could complete a Letter of Removal attached to the Gilmore Letters, in order "to be removed as a registered voter in Ocean County."

37. The American Civil Liberties Union of New Jersey ("ACLU-NJ") sent a letter to Gilmore on September 29, 2026, urging him to cancel the October 13 meeting, cease any further action to challenge or purge the affected voters

based on the Shaning Letter list, and send a corrective notice to all recipients of the Gilmore Letters. ACLU-NJ's letter noted that the Ocean County Board of Elections' conduct likely violates several constitutional and statutory provisions, including the NJVEA. The letter stated that the Board's conduct also likely violates the 90-day quiet period mandated by the NVRA, as well as that law's uniformity requirement.

38. As of the date of this filing, Gilmore has not responded.

39. Nevertheless, Gilmore has spoken publicly, acknowledging, for example, that the Shaning Letter was "the only one his board has received this election season."

40. Gilmore publicly stated it was "unsurprising" that Shaning submitted a list of only Democratic and unaffiliated voters in his letter, and he rejected the idea that the Board should run a uniform process.

41. According to Gilmore's public statements, the Board is prepared to make voters who cannot prove to the Board's satisfaction that they are domiciled in Bay Head cast a provisional ballot, which the Board has the power to reject.

LEGAL BACKGROUND

I. Residency for voter eligibility purposes in New Jersey is an expansive and flexible concept.

42. New Jersey law entitles an elector to vote in the "election district in which he actually resides, and not elsewhere." N.J.S.A. 19:4-1.

43. “Residence” is generally equated with “domicile.” *See e.g., State v. Benny*, 20 N.J. 238, 252 (1955); *In re Kriso*, 276 N.J. Super. 337, 341 (App. Div. 1994).

44. But domicile is an “expansive concept” that is construed “broadly and flexibly” for purposes of voting. *Kriso*, 276 N.J. Super. at 341.

45. For example, “part-time residency and other continuing, substantial connections” are “sufficient . . . for the purpose of voting.” *Id.*

46. Ultimately, when a person has more than one residence, “he, and he alone, can decide” where his political “interests” are more important to him, and there is no basis for the State to “decide for any voter that he ought to vote from one abode rather than another.” *Worden v. Mercer Cnty. Bd. of Elections*, 61 N.J. 325, 349–50, 294 A.2d 928 (1972) (Weintraub, C.J., concurring); *cf.* N.J.S.A. 19:4-4.1 (providing eligible New Jersey voters with “more than 1 place of residence” the option to declare their domicile for voting purposes).

II. New Jersey law prohibits acts of intimidation, deception, and obstruction that affect the right of voters to participate in the electoral process.

47. The NJVEA was enacted on July 2, 2026.

48. Section 15 of the NJVEA became effective on August 15, 2026, and it reads, in full, as follows:

a. No person, whether acting under color of law or otherwise, shall engage in acts of intimidation, deception, violence or restraint, or

obstruction that affects the right of voters to vote or the performance of official duties by election workers.

b. A violation of subsection a. of this section shall be established if:

(1) a person uses or threatens to use any force, violence, restraint, abduction or duress, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any public question submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; to request or refrain from requesting a mail-in ballot; or to be impeded in the performance of their official duties if they are an election worker;

(2) a person uses, with reckless disregard for the truth, any deceptive or fraudulent device, contrivance or communication, that impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any person, or that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any public question submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; to request or refrain from requesting a mail-in ballot; or to be impeded in the performance of their official duties if they are an election worker; or

(3) a person obstructs, impedes, or otherwise interferes with access to any polling place, ballot drop box, or elections office, or obstructs, impedes, or otherwise interferes with any voter in any manner that causes or will reasonably have the effect of causing any delay in voting or the voting process, including the canvassing of ballots and tabulation and certification of election results.

NJVEA § 15.

49. Section 15 of the NJVEA builds upon and is intended to provide more comprehensive protection than that provided by Section 11(b) of the federal Voting Rights Act. *See* 52 U.S.C. § 10307(b).

50. Section 2 of the NJVEA provides for the liberal construction of the Act. It reads, in full, as follows:

a. In recognition of the protections for the right to vote provided by the Constitution of the United States, the Constitution of the State of New Jersey, and under the laws of New Jersey, and in conjunction with the constitutional guarantees of equal protection, freedom of expression, and freedom of association under the law and against the denial or abridgement of the voting rights of members of protected classes, including a race, color, or language-minority group, it is the public policy of the State of New Jersey to:

(1) encourage participation in the elective franchise by all eligible voters to the maximum extent; and

(2) ensure that eligible voters who are members of protected classes, including racial, color, and language-minority groups shall have an equal opportunity to participate in the political processes of the State of New Jersey, and especially to exercise the elective franchise.

b. In further recognition of the protections for the right to vote provided by the Constitution of the State of New Jersey, any provision of State law, regulation, charter, home rule ordinance, or other enactment of the State or any political subdivision relating to the right to vote shall be construed liberally in favor of the factors listed below. To the extent courts are afforded discretion on any issue, including but not limited to with respect to questions of discovery, procedure, admissibility of evidence, or remedies, it is the policy of the State that courts should exercise that discretion, and weigh other equitable discretion, in favor of the following factors:

- (1) protecting the right to cast a ballot and make the ballot valid;
- (2) ensuring eligible individuals seeking voter registration are not impaired in being registered;
- (3) ensuring voters do not face unlawful discrimination in voting;
- (4) making the fundamental right to vote more accessible to eligible voters; and
- (5) ensuring equitable access for protected class members to opportunities to be registered to vote and to vote.

NJVEA § 2.

III. The New Jersey Constitution guarantees equal protection under law and protects the fundamental right to vote.

51. Article I of the New Jersey Constitution “protect[s] against injustice and against the unequal treatment of those who should be treated alike.” *Greenberg v. Kimmelman*, 99 N.J. 552, 568 (1985) (citing N.J. Const. art. 1, ¶ 1); *see also Jersey City United Against the New Ward Map v. Jersey City Ward Comm’n*, 261 N.J. 30, 60 (2025).

52. Article II of the New Jersey Constitution explicitly guarantees the right to vote to “[e]very citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote.” N.J. Const. art. II, § I, ¶ 3(a); *see also id.* ¶ 3(c).

CLAIMS FOR RELIEF

COUNT ONE Voter Intimidation [NJVEA § 15]

53. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

54. New Jersey law prohibits any person from “inflict[ing] or threaten[ing] to inflict any injury, damage, harm or loss, or in any other manner practices intimidation that causes or will reasonably have the effect of causing any person to . . . refrain from voting in general or for or against any particular person.” NJVEA § 15(b)(1).

55. The Gilmore Letters threaten recipients with the loss of their voting rights in the upcoming November 3, 2026 general election *and* in all future elections.

56. That threat is backed by a series of demands, requiring recipients, in short order and on the eve of the election, to:

- a. Complete by September 30, 2026 the 30-part Domicile Questionnaire, including 4 document requests;
- b. Confirm by October 9, 2026 attendance at the Ocean County Board of Elections October 13, 2026 meeting; and

- c. Attend the October 13, 2026 Board meeting to defend their right to vote.

57. Gilmore is the chair of the Ocean County Republican Party. Shaning—who supplied the list of voters to be targeted by the Board—is the president of the Bay Head Republican Party. And the only voters listed in the Shaning Letter were unaffiliated and Democratic voters—in other words, only non-Republicans.

58. The Gilmore Letters appear motivated to stop these voters from voting for non-Republican candidates in the November election.

59. The Gilmore Letters, and the Board’s corresponding actions, will reasonably have the effect of causing voters to refrain from voting in the upcoming election. *See Democratic Nat. Comm. v. Republican Nat. Comm.*, 671 F. Supp. 2d 575, 611 (D.N.J. 2009) (“Voters might be intimidated, confused, or even discouraged from voting upon receiving notice that their right to vote . . . has been challenged.” (quoting *Montana Democratic Party v. Eaton*, 581 F. Supp. 2d 1077, 1079 (D. Mont. 2008))), *aff’d*, 673 F.3d 192 (3d Cir. 2012).

60. Therefore, Defendants have violated Section 15 of the NJVEA for unlawfully intimidating recipients of the Gilmore Letters.

COUNT TWO
Violation of Equal Protection Guarantees
[N.J. Const. art. I, ¶¶ 1, 5]

61. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

62. Article I, Paragraph 1 of the New Jersey Constitution embraces the “fundamental guarantee” that “every person shall be entitled to the equal protection of the laws[.]” *Lewis v. Harris*, 188 N.J. 415, 442 (2006). “[T]hat first paragraph . . . protects against injustice and against the unequal treatment of those who should be treated alike.” *Id.* (quoting *Greenberg*, 99 N.J. at 568) (citation modified).

63. When governmental action is “challenged on the ground that it does not apply evenhandedly to similarly situated people,” New Jersey courts generally determine whether there is an equal protection violation by evaluating “three factors: [1] the nature of the right at stake, [2] the extent to which the challenged statutory scheme restricts that right, and [3] the public need for the statutory restriction.” *Id.* at 443 (citation modified).

64. The right to vote is fundamental.

65. To effectuate the equal protection guarantees of the New Jersey Constitution in the voting context, New Jersey courts apply the most exacting form of scrutiny where “similarly situated citizens [are] treated differently” and

where the exclusion of “otherwise eligible voters” is at stake. *Rutgers Univ. Student Assembly v. Middlesex Cnty. Bd. of Elections*, 446 N.J. Super. 221, 234 (App. Div. 2016) (quoting *Worden*, 61 N.J. at 348). In such circumstances, the New Jersey Supreme Court has “adopt[ed] the compelling state interest test in its broadest aspects.” *Worden*, 61 N.J. at 346.

66. Defendants’ actions impermissibly and unjustifiably intrude upon the fundamental voting rights of the recipients of the Gilmore Letters.

67. Recipients of the Gilmore Letters—who consist only of unaffiliated and Democratic registered voters (*i.e.*, non-Republican voters)—have been targeted with a series of onerous demands for information and a request to appear at the Ocean County Board of Elections’ public meeting to defend their right to vote in the November 2026 election (and in future elections). Failure to comply may result in being required to cast a provisional ballot (which may later be challenged and discarded) or in entirely losing the opportunity to exercise that fundamental right to vote in the upcoming election.

68. Only unaffiliated and Democratic registered voters received Gilmore Letters. Similarly situated Republicans did not.

69. Only unaffiliated and Democratic registered voters were told that “a question” had come up relating to their “right to vote in Ocean County.” Similarly situated Republicans were not.

70. Only unaffiliated and Democratic registered voters were warned that their “right to vote may be challenged for the November 3, 2026 General Election and future elections.” Similarly situated Republicans were not.

71. The Gilmore Letters created a separate class of voters—registered non-Republican voters whose tax bills are mailed to addresses outside Ocean County—and treated them differently than everyone else. *See Worden*, 61 N.J. at 348 (holding that subjecting college students “as a class to questioning beyond all other applicants,” including similarly situated applicants, when registering to vote, violates the New Jersey State Constitution); *see Charfauros v. Bd. of Elections*, 249 F.3d 941, 952–54 (9th Cir. 2001) (noting that treating registered Democrats and Republicans differently in the context of registration challenges violates the federal Equal Protection Clause).

72. No public need or compelling governmental interest justifies this disparate treatment of eligible registered New Jersey voters.

73. Therefore, Defendants’ actions violate the New Jersey Constitution’s guarantee of Equal Protection.

COUNT THREE
Undue Burden on the Fundamental Right to Vote
[N.J. Const. art. I, ¶ 1; *id.* art. II, § I, ¶ 3]

74. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

75. “As with all fundamental rights, there can be no interference with an individual’s right to vote, ‘unless a compelling state interest to justify the restriction is shown.’” *In re Absentee Ballots Cast by Five Residents of Trenton Psychiatric Hosp.*, 331 N.J. Super. 31, 38 (App. Div. 2000) (quoting *Worden*, 61 N.J. at 346).

76. The Gilmore Letters, and the Board’s associated actions, severely burden recipients’ right to vote.

77. Defendants threaten to prevent recipients from voting in the November 2026 election (and all future elections) on the sole basis that their tax bills are mailed to addresses outside the county—attenuated grounds in the context of the expansive nature of voting residency. *See Kriso*, 276 N.J. Super. at 341.

78. Defendants’ actions burden recipients by requiring them to navigate myriad demands for information and appear at a meeting of the Board to publicly defend their residency and their right to vote in the November 3, 2026 election.

79. Defendants’ actions further burden recipients by requiring them to comply with the Board’s demands mere weeks before the November 3, 2026 election.

80. New Jersey’s voter registration deadline for the November 3, 2026 general election falls on October 13, 2026, the same day as the Board’s meeting.

Thus, if Defendants remove voters from the voter rolls in Ocean County following the October 13 meeting, those voters will likely be unable to re-register to vote in *any* New Jersey county for the November 2026 general election.

81. Voters removed following the October 13 meeting would therefore effectively lose the ability to exercise their right to vote in the upcoming November election, in violation of the New Jersey Constitution. *See Afran*, 244 N.J. Super. at 236 (holding that voters “cannot be required to re-register as a condition of continuing to exercise his franchise rights during that period of time in which registration is ineffective to secure those rights”).

82. The requirements of the provisional voting process, to the extent Defendants intend to channel certain voters through it, impose an additional burden on the right to vote in the upcoming November election that is unjustified here.

83. There are no legitimate governmental interests that justify imposing compounding burdens on the voting rights of recipients of the Gilmore Letters, let alone that justify denying those recipients their right to vote altogether in the November 2026 election.

84. Therefore, Defendants’ actions impose an undue burden on the fundamental right to vote and thereby violate the New Jersey Constitution.

PRAYER FOR RELIEF

WHEREFORE, cause having been shown, Plaintiffs request the following relief against the Defendants:

- a) Temporarily and permanently enjoin Defendants from adjudicating the eligibility of the voters listed in the Shaning Letter at the October 13, 2026 meeting, or at any other time before the November 3, 2026 general election, on the basis of:
 - i. Political party affiliation or unaffiliated status;
 - ii. Alleged tax bill mailing address;
 - iii. Information requested by, contained in, or missing from any Domicile Questionnaire returned by the voter;
 - iv. Failure to complete the Domicile Questionnaire; or
 - v. Failure to confirm attendance at, actually attend, or participate in the October 13, 2026 meeting;
- b) Temporarily and permanently enjoin Defendants from requiring the voters listed in the Shaning Letter to complete a provisional ballot for the November 3, 2026 general election, on the basis of:
 - i. Political party affiliation or unaffiliated status;
 - ii. Alleged tax bill mailing address;

- iii. Information requested by, contained in, or missing from
any Domicile Questionnaire returned by the voter;
 - iv. Failure to complete the Domicile Questionnaire; or
 - v. Failure to confirm attendance at, actually attend, or
participate in the October 13, 2026 meeting;
- c) Issue a judgment declaring that the Gilmore Letters and Defendants’
process for purportedly investigating or challenging the eligibility of
the voters listed in the Shaning Letter violates New Jersey law;
 - d) Award attorneys’ fees and costs pursuant to the New Jersey Civil
Rights Act, N.J.S.A. 10:6-2(f), Section 17(b) of the NJVEA,³ and other
relevant authority;
 - e) Award compensatory and punitive damages pursuant to Section 16(b)
of the NJVEA;⁴ and

³ Section 17(b) provides that: “In any action to enforce any provision of this act, the court shall allow the prevailing plaintiff party, other than the State or political subdivision thereof, a reasonable attorneys’ fee, litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A plaintiff will be deemed to have prevailed when, as a result of litigation, the defendant party yields much or all of the relief sought in the suit. Prevailing defendant parties shall have the right to recover costs only if the court finds the action to be frivolous, unreasonable, or without foundation.”

⁴ Section 16(b) provides that: “Any party who shall violate any of the provisions of this act or who shall aid the violation of any of said provisions, excepting the Attorney General’s preclearance of a change subsequently determined to violate

f) Grant such other relief as is just and proper.

Dated: October 8, 2026

BY: /s/ Liza Weisberg

Liza Weisberg
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this act, P.L. __, c. __ (C. __) (pending before the Legislature as this bill), shall be liable to any prevailing plaintiff party for damages, including nominal damages for any violation, and compensatory or punitive damages for any intentional violation.”

CERTIFICATION

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

Other than the parties set forth in this complaint, the undersigned knows of no other parties that should be made a part of this lawsuit. In addition, the undersigned recognizes the continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: October 8, 2026

/s/ Liza Weisberg
Liza Weisberg