

Kraig M. Dowd, Esq.
Attorney ID No.: 052771997
WEBER DOWD LAW, LLC
365 Rifle Camp Road
Woodland Park, New Jersey 07424
(973) 200-0805
ATTORNEYS FOR PETITIONERS

THOMAS H. MACDONALD and	:	SUPERIOR COURT OF NEW JERSEY
RONALD M. CAMACHO	:	MORRIS COUNTY
	:	DOCKET NO.
Petitioners,	:	
	:	CIVIL ACTION
vs.	:	
	:	VERIFIED PETITION IN SUPPORT OF
HONORABLE ANN F. GROSSI, in her official	:	APPLICATION FOR RECOUNT AND
capacity as Morris County Clerk; MORRIS	:	RECHECK IN THE TOWN OF
COUNTY BOARD OF ELECTIONS and	:	DOVER DEMOCRATIC PRIMARY
MORRIS COUNTY BOARD OF	:	ELECTION FOR THE OFFICES OF
CANVASSERS,	:	2nd WARD AND 4th WARD
	:	ALDERMAN
Respondents.	:	

Petitioners, Thomas H. MacDonald and Ronald M. Camacho, residing respectively in the Second and Fourth Wards of the Town of Dover, County of Morris, State of New Jersey, say:

1. Petitioners were candidates for the respective offices of Second Ward Alderman and Fourth Ward Alderman in the Town of Dover, County of Morris, in the Democratic Primary Election held June 5, 2018 (hereinafter referred to as the “Primary Election”), for two open positions on the Board of Aldermen.

2. In the Second Ward, approximately 337 ballots were cast in the Democratic Primary Election. It has been certified by the Morris County Clerk that Humberto Quinones was the top vote getter for the Democratic nomination for that office and is currently slated to appear on the ballot for the November 2018 General Election. Mr. Quinones’s margin of victory was nineteen (19) votes over the second highest vote getter, Petitioner Thomas H. MacDonald.

3. In the Fourth Ward, approximately 244 ballots were cast in the Democratic Primary Election. It has been certified by the Morris County Clerk that Carlos A. Valencia was the top vote getter for the Democratic nomination for that office and is currently slated to appear on the ballot for the November 2018 General Election. Mr. Valencia's margin of victory was six (6) votes over the second highest vote getter, Petitioner Ronald M. Camacho.

4. Petitioners have reason to believe, and do believe, that errors were made in the counting of the votes from each district within both the Second Ward and Fourth Ward in the Town of Dover, its tabulation by each District Board and by the Morris County Board of Elections/Board of Canvassers, and in declaring the results of the subject Election. Upon information and belief such errors resulted in an error in the overall tabulation resulting in Mr. Quinones, in the Second Ward, and Mr. Valencia, in the Fourth Ward, being declared the winners of the Democratic Primary Election.

5. At all times relevant herein, the respondent, Morris County Board of Elections and the Morris County Clerk maintain custody and control of the voting machines used in the Primary Election. The Morris County Board of Elections and the Morris County Clerk have been made a Respondent in this suit because each has such custody and control of materials necessary to effectuate a Recount and Recheck.

6. At all times relevant herein, the Respondent, the Morris County Clerk has certain requirements to perform in rechecking machines in accordance with the requirements of N.J.S.A. 19:28-1, et seq. and 19:52-6, et seq., and serves as Clerk to the Morris County Board of Canvassers per N.J.S.A. 19:6-26.

7. At all times relevant herein, the Respondent, Morris County Board of Elections, is the custodian of the mail-in ballot applications, envelopes, mail-in ballots, emergency ballots,

provisional ballots, affirmations and envelopes, and other paraphernalia associated with respect thereto. Furthermore, the Respondent, Morris County Board of Elections is charged with the duty of conducting the recheck of the machines and the mail-in ballots in accordance with the requirements of the election laws at a time and place established by the Court.

8. N.J.S.A. 19:52-6 requires that the voting machines have the counter-compartment locked and remain locked for a period of fifteen (15) days following the election. Within such period, and upon written request of any defeated candidate, a Judge of the Superior Court assigned to the County shall, at a cost of \$2.00 per district to the candidate, order the machines in question opened and the registering counters for mechanical votes and write-in votes/irregular ballots rechecked against the election officer's returns. N.J.S.A. 19:28-1 provides for a recount of the mail-in ballots upon payment of \$25.00. The Petitioners, therefore, apply for a recheck of the aforesaid voting machines for all districts and a recount of the mail-in ballots and provisional ballots cast, and any other paper ballots cast in and for all districts within the Second Ward and Fourth Ward of the Town of Dover.

9. Petitioners are entitled to a recheck of the voting machines pursuant to N.J.S.A. 19:52-6.

10. Pursuant to the provisions of N.J.S.A. 19:28-1 (Recounts), and N.J.S.A. 19:52-6, 19:52-6.1 (Recheck of Machines), and N.J.S.A. 19:52-6 (Recount of Irregular Ballots), the aforesaid Petitioners demand a recheck of the machines, irregular ballots and emergency ballots and hand recount of the mail-in ballots and provisional ballots, for all votes cast within the Second Ward and Fourth Ward of the Town of Dover in the June 5, 2018 Democratic Primary Election.

11. Petitioners further request that, because of the narrow margin of votes separating Petitioners from the declared winners in the respective Ward races, a recount and recheck will

protect the sanctity of the ballot which serves the public interest in the outcome of the Election thus both further substantiating the necessity of a recount and recheck and warranting that the \$25 per district fee be waived for the recount.

12. In order to ensure the recheck will take place while the machines are still in the sealed condition, the Petitioners request that the Court require the continued impoundment of the machines by the Morris County Board of Elections, their agents, servants or employees and others acting in concert with them and, except for the purpose of conducting the Recheck, prohibit the unlocking, resetting or otherwise changing the present status quo of the machines used in the Election until such time as the results of the recount and recheck have been certified.

13. In the event the Court does not enjoin the Morris County Board of Elections, their agents, servants or employees from unlocking, interfering with the sealed condition or otherwise resetting the machines, the Petitioners will be immediately and irreparably harmed as being unable to verify the canvass of votes and ascertain the status of the counter at the close of the subject Election and whether Petitioners should be declared the successful candidates.

WHEREFORE, the Petitioners seek relief as follows:

A. In accordance with the statutes in such cases made and provided, that the Court Order a recounting and rechecking of machines, emergency ballots and irregular ballots, a hand count of the mail-in ballots and provisional ballots, and examination of the rejected mail-in ballots and provisional ballots for the Primary Election in accordance with N.J.S.A. 19:28-1, et seq. and N.J.S.A. 19:52-6 et seq.

B. That the parties or their representatives shall now, during and after the conclusion of the physical recount and recheck be allowed to examine, copy and/or scan the registry books,

voter authorizations, mail-in ballots and mail-in ballot applications, rejected and late arriving mail-in ballots, envelope flaps, outer envelopes, inner envelopes, provisional ballots, affirmations, messenger book, office orders, order lists, orders to vote, challenge lists, challenge sheets, peremptory order lists, District Board returns and canvases, repair records, complaint or inquiry records, irregular and emergency ballots, and any or all other papers, documents and records related to the Primary Election, as may be requested by them, under the supervision of the officials in whose custody those items may be.

C. That the Respondents shall continue the impoundment of the machines and, except for the purpose of conducting the Recheck, shall not unlock, reset, or otherwise change the present status quo of the machines used in the Primary Election until such time as the results of the recount and recheck have been certified.

D. That the Court waive the \$25 per District fee for the hand recount and recheck of the mail-in and provisional ballots.

E. Other just and equitable relief consistent with this Petition as may be deemed necessary by the Court.

WEBER DOWD LAW, LLC
Attorneys for Petitioners

Dated: June 13, 2018

By: /s/ **Kraig M. Dowd**
Kraig M. Dowd, Esq.

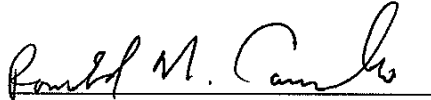
VERIFICATION

Thomas H. MacDonald and Ronald M. Camacho, hereby certify as follows:

1. We are the Petitioners in the foregoing matter.
2. We have read the contents of the Petition and incorporate same by reference and state that the contents therein are true to the best of our knowledge, information and belief. We are aware that if any of the foregoing statements made by us are willfully false we are subject to punishment.



Thomas H. MacDonald



Ronald M. Camacho

Dated: June 13, 2018

Kraig M. Dowd, Esq.
Attorney ID No.: 052771997
WEBER DOWD LAW, LLC
365 Rifle Camp Road
Woodland Park, New Jersey 07424
(973) 200-0805
Attorneys for Petitioners

THOMAS H. MACDONALD and	:	SUPERIOR COURT OF NEW JERSEY
RONALD M. CAMACHO	:	MORRIS COUNTY
	:	DOCKET NO.
Petitioner,	:	
	:	CIVIL ACTION
vs.	:	
	:	ORDER GRANTING
HONORABLE ANN F. GROSSI, in her official	:	RECOUNT AND RECHECK
capacity as Morris County Clerk; MORRIS	:	
COUNTY BOARD OF ELECTIONS and MORRIS:	:	
COUNTY BOARD OF CANVASSERS,	:	
	:	
Respondents.	:	

THIS MATTER having been presented to the Court by Kraig M. Dowd, Esq., of the law firm Weber Dowd Law, LLC, attorneys for Petitioners, Thomas H. MacDonald and Ronald M. Camacho, and the Court having considered the Petitioners' Application for an Order Granting Recount and Recheck in the Town of Dover June 5, 2018 Primary Election for the Offices of Second Ward Alderman and Fourth Ward Alderman, pursuant to N.J.S.A. 19:28-1, N.J.S.A. 19:52-6 and N.J.S.A. 19:52-6.1, and the Court having considered the papers and arguments made by counsel, if any, and good cause having been shown;

IT IS therefore, on this ____ day of June, 2018;

ORDERED as follows:

1. The Petitioners' application for a Recount and Recheck, as set forth in the verified petition, of all machines, emergency ballots and irregular ballots, a hand count of the mail-in ballots and provisional ballots, and examination of the rejected mail-in ballots

and provisional ballots cast in all districts within the Town of Dover's June 5, 2018 Primary Election is hereby granted; and

2. The recount and recheck is to commence on _____, 2018 at ____ a.m. and continue daily thereafter (Saturdays, Sundays and holidays excepted) until completed, unless otherwise agreed to by the parties and those officials responsible for the recount and recheck, and each machine in each district shall be done separately and in numerical order, and provisional and mail-in ballots thereafter; and
3. No later than _____, 2018, the Petitioners shall post security, by cash or surety bond, in the amount of \$2.00 for each of the three (3) districts comprising the Second Ward and three (3) districts comprising the Fourth Ward, in the Town of Dover, as required by N.J.S.A. 19:52-6 for the Recheck, totaling \$12.00, with the Morris County Clerk; and
4. The fee of \$25 per district to recount the paper ballots under N.J.S.A. 19:28-2 is hereby waived as the recount is in the public interest; and
5. The Morris County Clerk, Morris County Board of Elections and other officials shall cooperate with the Morris County Board of Elections in the recount and recheck process; and
6. The Petitioner shall serve a copy of the Petition and this Order upon the Respondents named herein, within ____ business days hereof, personally or by overnight or certified mail, return receipt requested; and
7. The Respondents shall continue the impoundment of the machines and, except for the purpose of conducting the Recheck, shall not unlock, reset, or otherwise change the present status quo of the machines used in the Town of Dover's June 5, 2018 Primary

Election for the Office of Alderman until such time as the results of the recount and recheck have been certified; and

8. The parties to the Petition or their representatives, and all other candidates in the June 5, 2018 Primary Election for the subject Town Alderman Ward seats, shall now, during and after the conclusion of the physical recount and recheck be allowed to examine, copy and/or scan hereafter the registry books, voter authorizations, mail-in ballots and mail-in ballot applications, rejected and late arriving mail-in ballots, envelope flaps, outer envelopes, inner envelopes, provisional ballots, affirmations, messenger book, office orders, order lists, orders to vote, challenge lists, challenge sheets, peremptory order lists, District Board returns and canvases, repair records, voting machine audit trails and related records, complaint or inquiry records, irregular and emergency ballots, and any or all other papers, documents and records related to the Town of Dover's June 5, 2018 Primary Election for the Offices of Second Ward Alderman and Fourth Ward Alderman, as may be requested by them, under the supervision of the officials in whose custody those items may be.

, A.J.S.C.

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EXT. 102

Sent via hand delivery and e-filed
Superior Court of New Jersey
Morris County Vicinage
Civil Division Case Management Office
P.O. Box 910
Morristown, New Jersey 07963-0910

June 13, 2018

**Re: Application for Recount and Recheck in the Town of Dover's June 5, 2018
Primary Election for the Offices of 2nd Ward and 4th Ward Alderman.**

Dear Sir/Madam:

This office represents Petitioners, Thomas H. MacDonald and Ronald M. Camacho, in the above captioned matter. Please note that copies of the enclosed have been e-filed. However, due to the time sensitive nature of this application, we are furnishing same to office of the Clerk. Accordingly, enclosed please find an original and one (1) copy of a Verified Petition In Support of Application for Recount and Recheck, Certification of Service, CIS and proposed form of Order Granting Recount and Recheck.

Please be advised that this is an urgent election matter filed pursuant to N.J.S.A. 19:28-1, N.J.S.A. 19:52-6 and N.J.S.A. 19:52-6.1. **It is our understanding that the Honorable Judge Stuart A. Minkowitz, A.J.S.C. is currently assigned to handle such proceedings, and we respectfully request that, upon filing, a copy of the filed Petition be furnished to the Judge Minkowitz.** (A non-stamped courtesy copy hereof is being simultaneously provided herewith for Judge Minkowitz.) If Judge Minkowitz is not to be assigned this matter, please provide the enclosed courtesy copy to the appropriate Judge.

Please charge this firm's Attorney Collateral Account No.: **141713** for any fees/costs. Kindly stamp one copy "filed" and return a filed copy in the self-addressed, stamped envelope. Thank you for your attention to this matter.

Very truly yours,

By: /s/ Kraig M. Dowd
Kraig M. Dowd, Esq.

Encls.

cc: Hon. Judge Stuart A. Minkowitz, A.J.S.C.
Ann F. Grossi, Esq. Morris County Clerk
Dale Kramer, Administrator, Morris County Board of Elections/Board of Canvassers
Candidate, Humberto Quinones (non-party, notice only)
Candidate, Carlos A. Valencia (non-party, notice only)

Kraig M. Dowd, Esq.
Attorney ID No.: 052771997
WEBER DOWD LAW, LLC
365 Rifle Camp Road
Woodland Park, New Jersey 07424
(973) 200-0805
Attorneys for Petitioners

THOMAS H. MACDONALD and	:	SUPERIOR COURT OF NEW JERSEY
RONALD M. CAMACHO	:	MORRIS COUNTY
	:	DOCKET NO.
Petitioners,	:	
	:	CIVIL ACTION
vs.	:	
	:	
HONORABLE ANN F. GROSSI, in her official	:	CERTIFICATION OF SERVICE
capacity as Morris County Clerk; MORRIS	:	
COUNTY BOARD OF ELECTIONS and	:	
MORRIS COUNTY BOARD OF	:	
CANVASSERS,	:	
	:	
Respondents.	:	

I, Kraig M. Dowd, Esq., of full age, hereby certifies as follows:

1. I am a Member of the law firm of Weber Dowd Law, LLC, attorneys for Petitioners, Thomas H. MacDonald and Ronald M. Camacho, in the above captioned matter.
2. On June 13, 2018, I caused to be both e-filed and forwarded via hand delivery the within papers comprising the Verified Petition in Support of Application for Recount and Recheck, cover letter to the Court, Certification of Service and proposed form of Order Granting Recount and Recheck, to the following:

Hon. Stuart A. Minkowitz, A.J.S.C.
Superior Court of New Jersey
Morris County Courthouse
Washington and Court Streets
PO Box 910
Morristown, New Jersey 07963

Clerk, Superior Court of New Jersey
Morris County Courthouse
Washington and Court Streets
PO Box 910
Morristown, New Jersey 07963

Ann F. Grossi, Morris County Clerk
Administration & Records Building
10 Court Street - First Floor
P.O. Box 900
Morristown, New Jersey 07963

Dale Kramer, Administrator
Morris County Board of Elections/Board of Canvassers
Administration & Records Building
10 Court Street - Second Floor
P.O. Box 900
Morristown, New Jersey 07963

3. On June 13, 2018, I caused to be forwarded via overnight delivery service the within papers comprising the Verified Petition in Support of Application for Recount and Recheck, CIS, Certification of Service and proposed Order Granting Recount and Recheck, to Candidates:

Humberto Quinones
221 Penn Avenue
Dover, New Jersey 07801

Carlos A. Valencia
16 Mase Avenue
Dover, New Jersey 07801

I hereby 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.

Weber Dowd Law, LLC
Attorneys for Petitioners,
Thomas H. MacDonald and Ronald M. Camacho

By: /s/ Kraig M. Dowd
Kraig M. Dowd, Esq.

Dated: June 13, 2018

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-001143-18

Case Caption: MACDONALD THOMAS VS GROSSI ANN

Case Initiation Date: 06/13/2018

Attorney Name: KRAIG MC GRATH DOWD

Firm Name: WEBER DOWD LAW, LLC

Address: 365 RIFLE CAMP RD

WOODLAND PARK NJ 07424

Phone:

Name of Party: PETITIONER : MacDonald, Thomas, H

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: SUMMARY ACTION

Document Type: Verified Complaint

Jury Demand: NONE

Hurricane Sandy related? NO

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

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:

Please be advised that this is an urgent election matter filed pursuant to N.J.S.A. 19:28 1, N.J.S.A. 19:52 6 and N.J.S.A. 19:52 6.1. It is our understanding that the Honorable Judge Stuart A. Minkowitz, A.J.S.C. is currently assigned to handle such proceedings, and we respectfully request that, upon filing, a copy of the filed Petition be furnished to the Judge Minkowitz. (A non-stamped courtesy copy hereof is being simultaneously provided herewith for Judge Minkowitz.) This is a Verified Petition in support of an Application for Recount/Recheck. It is not being filed as a Verified Complaint and there is not an Order to Show Cause.

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:

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)

06/13/2018

Dated

/s/ KRAIG MC GRATH DOWD

Signed

