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Attorney for Petitioner Nicholas Bruno

Application of Nicholas Bruno,
Petitioner, for Recount of the Votes
Cast in the General Election of
November 3, 2020 for the Office of
Member of the Town Council of
Clinton, New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
HUNTERDON COUNTY
Docket No. _____

VERIFIED PETITION
FOR RECOUNT OF ELECTION

Nicholas D. Bruno, residing at 1 Goosetown Drive, Clinton, New Jersey 08809, brings this Petition for Recount pursuant to N.J.S.A. 19:28-1 et seq. (and reserve his right, during or subsequent to the completion of said Recount, to supplement this Petition by way of a further Petition for Contest of Election pursuant to N.J.S.A. 19:29-1 et seq.) says:

1. Petitioner Nicholas Bruno was a candidate in the November 3, 2020 General Election for a seat on the Town Council in the Town of Clinton, County of Hunterdon, State of New Jersey.
2. Due to the delays per Covid-19 Pandemic election protocols, the Election count was not concluded until November 19, 2020 when Election Results were

announced by the Hunterdon County Clerk, who on that date reported the votes cast for two seats on the Clinton Town Council as follows:

Rielly Karsh	919
Megan Johnson	912

Nicholas Bruno	909

3. The two candidates receiving the highest number of votes will be deemed elected to the Clinton Town Council.

4. The gap between the two candidates for the second seat is presently exactly three (3) votes, out of more than 1,800 votes tabulated..

5. Candidate Nicholas Bruno, brings this Verified Petition for Recount, because he believes that when an election result is this close, there is an obligation to the public to make sure that a fair and accurate count has taken place. *N.J.S.A. 19:28-1, 19:29-1.*

6. Given the extreme closeness of the vote — with just 3 votes (out of more than 1,800 total votes) separating the candidates for the second seat — Petitioner believes that errors in the recording and counting of votes; or irregularities or errors in the conduct of the election; or illegal votes having been received, or legal votes having been rejected, are sufficient to change the result of the election; or vote-by-mail ballots or provisional ballots miscounted; or rejections of vote-by-mail ballots, provisional ballots, or of voters attempting to cast ballots at the polls; which directly affected the outcome of the election.

7. The grounds for Recount are that, upon information and belief, given the

closeness of the vote count (presently reported as 912 to 909 for the second council seat), it is likely that the following events occurred:

- a.** That Petitioner has reason to believe that an error has been made in counting the votes of that election. *N.J.S.A. 19:28-1.*
- b.** That legal votes were rejected at the polls, and illegal votes were accepted at the polls (and by way of the vote-by-mail and provisional ballots) in numbers sufficient to change the outcome of the election, which presently has only a 3-vote margin. *N.J.S.A. 19:29-1(e);*
- c.** That invalid ballots were accepted, and valid ballots were rejected, in sufficient numbers to change the outcome of the election, which presently has only a 3-vote margin. *N.J.S.A. 19:29-1(e);*
- d.** That the sum of the rejected legal votes, and accepted illegal, votes was sufficient to change the results of the election. *N.J.S.A. 19:29-1(e);*
- e.** That, given the closeness of the vote count (presently reported as 912 to 909 for the second council seat), it is likely that an error may have occurred in counting and tabulating the votes, sufficient to change the outcome of the election, *N.J.S.A. 19:29-1(f).*

WHEREFORE, Petitioner respectfully asks for the following relief (*N.J.S.A. 19:28-3*) in regard to the November 3, 2020 General Election for the office of Town Council in the Town of Clinton, County of Hunterdon, State of New Jersey, seeking entry of an Order:

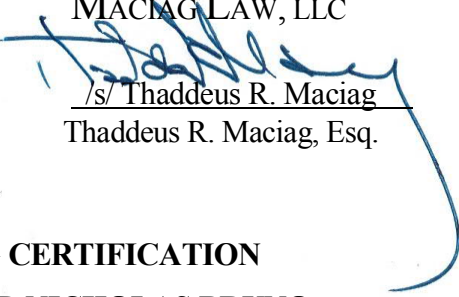
- (a)** That all voting materials and records, including but not limited to all electronic and paper records, ballots, absentee ballots, provisional ballots, applications for absentee or provisional ballots, be forthwith sequestered and placed under seal, under such conditions as the Attorney General of

New Jersey shall require, until such time as a recount and review of said voting materials and records is commenced in accord with the terms of the Recount Order to be entered herein.

- (b)** that any voting machines used be rechecked in accordance with law;
- (c)** that all vote-by-mail ballots and applications for vote-by-mail ballots, whether accepted or rejected, be rechecked, reexamined, and recounted in accordance with law;
- (d)** that all provisional ballots and applications for provisional ballots, whether accepted or rejected, be rechecked, reexamined, and recounted in accordance with law;
- (e)** that all election-day paper ballots, and the exterior envelopes or tear-off slips to same, whether accepted or rejected, be rechecked, reexamined and recounted in accordance with law;
- (f)** that the names and number of any and all voters rejected at the polls be checked in accordance with law;
- (g)** that the number of signatures of those who voted at the polls be tallied against the number of signatures in the voting books, and be tallied against the number of votes cast at the polls;
- (h)** that the signatures on the voting authorities, the signatures on the signature books, the signatures on the applications for and provisional ballots; the signatures on the applications for and vote-by-mail ballots; the signatures on the applications for and election-day paper ballots; and the signatures of record for each voter be made available for inspection by Petitioners;

- (i) that this matter be scheduled for a short-notice Hearing in accordance with law; and
- (j) that this Court retain jurisdiction over this matter in the event that an Election Contest is filed.

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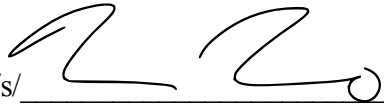

/s/ Thaddeus R. Maciag
Thaddeus R. Maciag, Esq.

Date: November 19, 2020

**VERIFYING CERTIFICATION
OF PETITIONER NICHOLAS BRUNO**

I, Nicholas D. Bruno, of full age, am a Petitioner herein. I am familiar with the facts of this Verified Petition, I have read the foregoing Petition, and I hereby certify that same is true to the best of my information, knowledge and belief. The said Petition is made in truth in good faith for the causes set forth therein.

I certify that the foregoing statement made by me is true; I am aware that if same is willfully false, I am subject to punishment.


/s/ _____
NICHOLAS D. BRUNO
Petitioner

Date: November ____, 2020

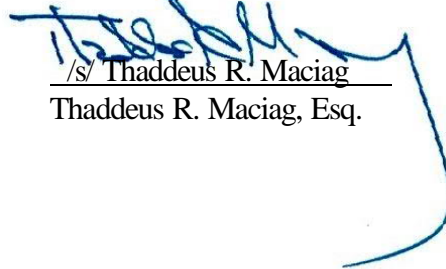
CERTIFICATION PER RULE 4:5-1

Pursuant to Rule 4:5-1, it is hereby stated that the instant matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of Petitioner's belief, no other action or

arbitration proceeding is contemplated. Further, other than the Notice to the Candidates as required by law, there are no other known parties that should be joined in the within action.

In addition, Petitioner recognizes the continuing obligation of each party 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.

MACIAG LAW, LLC



/s/ Thaddeus R. Maciag
Thaddeus R. Maciag, Esq.

Date: November 19, 2020