

DASTI & ASSOCIATES

Christopher J. Dasti

Joseph C. Falk*

Jeffrey D. Cheney

*Rule 1:40 Mediator

A Professional Corporation
Attorneys At Law
310 Lacey Road
P.O. Box 779
Forked River, New Jersey 08731
609-549-8990
Fax: 609-549-5043
www.DastiLaw.com

File No. GL-996

November 20, 2020

Via eCourts
The Honorable Benjamin C. Telsey, A.J.S.C.
Gloucester County Justice Complex
70 Hunter Street
Woodbury, NJ 08096

**Re: IN THE MATTER OF THE APPLICATION OF DANIEL R. ROSS FOR
RECOUNT AND RECHECK OF ALL VOTES CAST IN THE GENERAL
ELECTION HELD ON NOVEMBER 3, 2020 WITH THE TOWNSHIP OF
HARRISON, COUNTY OF GLOUCESTER, NEW JERSEY**

Dear Judge Telsey:

Please be advised that this firm represents the Petitioner, Daniel R. Ross, in the above captioned matter. Enclosed please find an original and one copy of the following:

1. Verified Petition for Recount and Recheck; and
2. Proposed Order;

By copy of this correspondence, we will provide notice of this Petition to the Gloucester County Counsel and the Deputy Attorney General assigned to represent the Gloucester County Board of Elections.

I thank the court for its attention to this matter.

Respectfully Submitted,

/s/ Christopher J. Dasti
Christopher J. Dasti

CJD/JDC

Enclosures

cc: Daniel R. Ross (via email)

DASTI ASSOCIATES

CHRISTOPHER J. DASTI, ESQ. [013802010]
310 Lacey Road
P.O. Box 779
Forked River, New Jersey 08731

Attorneys for Petitioner Daniel R. Ross

IN THE MATTER OF THE
APPLICATION OF DANIEL R. ROSS
FOR RECOUNT AND RECHECK OF
ALL VOTES CAST IN THE GENERAL
ELECTION HELD ON NOVEMBER 3,
2020 WITH THE TOWNSHIP OF
HARRISON, COUNTY OF
GLOUCESTER, NEW JERSEY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CIVIL PART
GLOUCESTER COUNTY

CIVIL ACTION

DOCKET NO.: GLO-L-

**VERIFIED PETITION FOR
RECOUNT AND RECHECK**

Petitioner, DANIEL R. ROSS, residing at 99 Amber Court, Mullica Hill,
County of Gloucester, State of New Jersey, by way of this Petition says as follows:

1. At all times relevant herein, Petitioner was a candidate for the
Township Committee for the Township of Harrison, in the County of Gloucester, in the
State of New Jersey.

2. The General Election was held for said office on November 3, 2020.

3. As a duly qualified candidate, Petitioner has standing to file the within
application for recount and recheck pursuant to N.J.S.A. 19:28-1 et seq., and N.J.S.A.
19:52-6 et seq.

4. There were three candidates for Township Committee: Richard
Pescatore, Julie DeLaurentis, and Petitioner.

5. The official canvass, as reported, states that Julie DeLaurentis received
3090 votes, Petitioner received 3066 votes, and Richard Pescatore received 2092 votes.

DASTI & ASSOCIATES
ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08753

Therefore, Petitioner lost the election by a margin of 24 votes, according to the presently reported results.

6. At all times relevant herein, the Respondent, Gloucester County Board of Elections, was and continues to be the custodian of the Vote by Mail ballot application, envelopes, the Vote by Mail, voting orders, and other paraphernalia associated with respect thereto. Further, the Respondent is charged with the duty of conducting the recount of the Vote by Mail ballots in accordance with the requirements of the General Election laws at a time and place established by the Board of Elections.

7. Petitioner has been informed and believes that there may have been errors in reporting the tallies due to the nature of the 2020 General Election being an Exclusive Vote by Mail election.

8. N.J.S.A. 19:28-1 provides for a recount of the Vote by Mail ballots upon payment of \$25.00. Thus, Petitioner applies for a recount of the Vote by Mail ballots cast.

9. At all times relevant herein, the Respondent is the custodian of the absentee ballot applications, envelopes, absentee ballots, vote by mail ballots, provisional ballots, affirmations and envelopes, and other paraphernalia associated with respect thereto. Further, the Respondent is charged with the duty of conducting the recheck of the absentee, provisional, and vote by mail ballots in accordance with the requirements of the election laws at a time and place established by the Board of Elections.

10. Petitioner believes that the public interest in the outcome of the election warrants a recount and that the \$25 per district fee should be waived because the vote total separating Petitioner Ross and Julie DeLaurentis is less than .29%.

DASTI & ASSOCIATES
ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08753

WHEREFORE, Petitioner seeks relief as follows:

- A. For a recount and recheck pursuant to N.J.S.A. 19:28-1, et seq. and N.J.S.A. 19:52-6, et seq., and that the ballots cast, including any provisional ballots, if applicable, at the aforementioned election for the office of Township Committee for the Township of Harrison be opened and recount taken;
- B. Pending such recount, recheck and recount and until further Order of this Court, that the Gloucester County Board of Elections and the County Clerk , be restrained and enjoined from unlocking, unsealing, opening, resetting, zeroing, stripping, disposing of, or otherwise interfering with the voting machines, voting authorities, voting records, and that they further preserve and secure all paper ballots, canvass sheets, envelopes, inner envelopes, envelope flaps, applications, rejected absentee ballots, provisional ballots, affirmations and envelopes, messenger records and other documents or records regarding the conduct or results of the Election.; and
- C. That the Petitioner or his representatives be empowered and permitted to examine and copy the election materials, documents, Vote by Mail ballots, and all other records and documents; and
- D. Any other relief as this Court may deem equitable and just.

DASTI & ASSOCIATES
Attorneys for Petitioner,
Daniel R. Ross

s/Christopher J. Dasti, Esq. _____
CHRISTOPHER J. DASTI, ESQ.

Dated: November 20, 2020

DASTI & ASSOCIATES
ATTORNEYS AT LAW

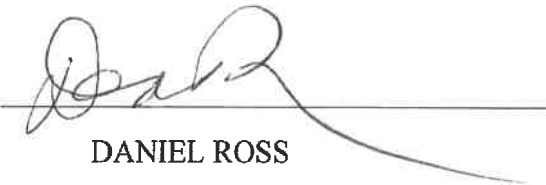
310 Lacey Road
P.O. Box 779
Forked River, N.J. 08753

VERIFICATION

Daniel Ross, of full age, hereby verifies as follows:

1. I am the Petitioner in the above-captioned matter.
2. I have read the allegations in the foregoing Verified Petition and they are true to the best of my personal knowledge and belief. I have relied upon my attorneys for those statements related to legal conclusions and/or statements of law.

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.



DANIEL ROSS

Dated: November 10, 2020

CERTIFICATION PURSUANT TO RULE 1:4-4(c)

Pursuant to R. 1:4-4(c), the signature of Daniel R. Ross filed in the above-captioned matter is a facsimile of the original signature. I certify that Daniel R. Ross acknowledged the genuineness of his signature to me, and that if requested by the Court or a party, the Certification of Daniel R. Ross with the original signature will be filed.

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

DASTI & ASSOCIATES
Attorneys for Petitioner,
Daniel R. Ross

s/Christopher J. Dasti, Esq.
CHRISTOPHER J. DASTI, ESQ.

Dated: November 20, 2020

DASTI & ASSOCIATES
ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, NJ. 08753