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April 13, 2017

Dear Mr. Farina,

We are stunned and outraged by your recent response to our timely-filed petition challenge to the petitions filed by Sheillah Dallara and Aaron Dallara for the Hudson County Democratic County Committee in the Second Ward, First District. We urge you to follow your statutory responsibilities and reconsider this blatantly illegal action before we are forced to pursue this matter further in court and/or with the appropriate law enforcement authorities.

To review, the petition filing deadline, pursuant to N.J.S.A. 19:23-14, is at “4:00 p.m. of the 64th day next proceeding the day of the holding of the primary election for the general election.” This statutory deadline was 4:00 P.M. on Monday, April 3, 2017. Yet, somehow, you accepted for filing the petitions filed by Mr. and Ms. Dallara, according to your own office’s time stamp, at 6:13 P.M. on Wednesday, April 5, 2017. Putting aside why your office was somehow open after 6 P.M. on that date, when your website states you close at 4:00 P.M., that was more than ***two days beyond the statutory deadline***. This is not a situation where a candidate runs into traffic and shows up to your office to file petitions a few minutes late – this was a blatant violation of New Jersey election law. You know you never should have accepted the petition in the first place, and if and when you are placed under oath in this matter we suspect you will be forced to testify that in your decades of serving as City Clerk, you have never before accepted an untimely petition in this matter.

Nonetheless, in response to our objection to these untimely petitions, you wrote what can only be described as gibberish. You claim that you were “timely provided correspondence dated April 3, 2017 and April 6, 2017 from Assemblyman Vincent Prieto and Mayor Dawn Zimmer, advising that both individuals were running as part of the Hudson County Democratic Organization.” You then claim that that pursuant to a provision of the election law that allows for defective petitions to be amended within three days after the filing deadline, Mr. and Ms. Dallara amended the “documentation provided to the Clerk’s office so as to remedy any defect by timely submitting the appropriate forms within the deadline to amend.” You do not refute in any way our contention that Mr. and Ms. Dallara failed to file their petitions within the statutory deadline, which is all that matters.

Again, you well know that the HCDO’s consent to allow Mr. and Ms. Dallara to bracket with its candidates and run on its line ***does not supersede the obligation of a candidate to file a petition by the deadline established by law***. And the statute allowing the amendment of petitions (even though it is not clear what amendment you are talking about) to cure defects ***does not override the obligation to have filed those petitions on time in the first place!*** These are purely made-up excuses to justify the indefensible – your blatant violation of your obligations as the City Clerk to follow the law.

It is apparent to us what you are trying to do here – force us to go to court and expend hundreds or thousands of dollars to file a lawsuit involving unpaid County Committee seats, or allow you to get away with breaking the law on behalf of Mayor Zimmer’s preferred candidates while harming our own candidacies. That is a blatant abuse of your office, and on its face, seems to come close to constituting Official Misconduct. See N.J.S.A. 2C:30-2.

Additionally, as this matter is likely to proceed to litigation or be the subject of further investigation, please ensure that all letters, e-mails and other communications between your office and anyone else regarding this matter are preserved. Knowing your long history as City Clerk and your stature in the community, we strongly suspect you were ordered to accept these petitions by someone else, rather than made this decision on your own - and we intend to find out who that was. But ultimately, you are responsible for your office, and want to remind you that it is never too late to do the right thing and adhere to your obligations under the law.

Please advise us by 10:00 A.M. on Monday, April 17, 2017 as to your position in this matter. We may be reached at (201)637-4007 for Ms. Garcia-Keim and (201)344-7007 for Mr. Biancamano.

Sincerely,

Ines Garcia-Keim & Peter Biancamano