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May 13, 2025

VIA Ecourts

Honorable Keri Ann Eglentowicz, J.S.C.
William J. Brennan Jr. Courthouse
583 Newark Avenue
Floor 4
Jersey City, New Jersey 07306

Dear Judge Eglentowicz:

This office represents the Hudson County Board of Elections in this matter. Because this matter was only brought to this office's attention the evening before the hearing, and without waiving any argument as to proper service upon the Board, the Board respectfully requests an adjournment of the hearing currently scheduled for May 13, 2025 at 11:00 a.m. Additionally, Plaintiffs have failed to notice all interested parties, including all other candidates and the political parties that would potentially wish to be heard on the potential move of a polling location. See Rule 4:5-1.

Notwithstanding the Board's request for a short adjournment, the Plaintiffs request is without merit and is not permitted under the law. As the Board stated in its letter to the Plaintiffs on May 2, 2025, (Pl's. Ex. B), new district lines would need to be drawn to accommodate Plaintiffs' requested relief because only one polling place is permitted by law per election district. N.J.S.A. 19:4-15. However, redistricting is not possible at this juncture as the deadline for any redistricting in advance of an election is 82 days prior to the primary election, March 20, 2025. Ibid. Clearly, that deadline for redistricting has passed and the Board is not permitted to redistrict now. Ibid. Moreover, even if redistricting was ordered outside the statutory deadline, such cannot be implemented for the June 2025 Primary Election, which is already underway with mail-in ballots having been sent to voters approximately three weeks



ago and some already having been returned cast by voters. Further, only municipalities are permitted by law to recommend polling locations and the deadline for doing so was April 1, 2025. N.J.S.A. 19:8-2. Through that process, the Board determined to increase polling locations to include three in North Bergen and one in Weehawken. Moreover, the decision as to what polling location shall be used is left to the discretion of the Board. Ibid. Further, as to early voting locations, N.J.S.A. 19:15A-1(b)(1) has established the required number of early voting locations for each county by number of registered voters, which Hudson County has more than exceeded.¹

As such, the Plaintiffs in this matter have no authority under Title 19 to demand an additional polling location be added for the 2025 Primary Election. And, in that vein, Plaintiffs' requested relief requests an improper writ of mandamus which cannot be compelled by this court. N.J. Const., Art. III, ¶1; see also State v. Township of Lyndhurst, 278 N.J. Super. 192 (Ch. Div. 1994). Based upon the foregoing, Plaintiffs request should be denied.

Thank you for your consideration to this matter.

Respectfully submitted,

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¹ As Plaintiffs reference N.J.S.A. 19:8-2 to -3 without a distinction between Election Day polling places and early voting locations, it should be noted that schools are not permitted to be used as polling locations during early voting. N.J.S.A. 19:15A-1(b)(1).

Angel Hector, Esq. (via ecourts)