

ANNE MILGRAM  
Attorney General of New Jersey  
Attorney for Defendant  
R.J. Hughes Justice Complex  
P.O. Box 112  
Trenton, New Jersey 08625

CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED

OCT 17 2007

*Ann Regan*

DEPUTY CLERK OF SUPERIOR COURT

By: Donna Kelly  
Assistant Attorney General

Karen A. Du Mars  
Deputy Attorney General  
(609) 292-9302

SUPERIOR COURT OF NEW JERSEY  
~~LAW DIVISION~~ - MERCER COUNTY  
DOCKET NO.: MER-C-125-06

*CHANCERY DIVISION -  
GENERAL EQUITY  
PART*

GREEN PARTY OF NEW JERSEY; NEW  
JERSEY CONSERVATIVE PARTY, and  
NEW JERSEY LIBERTARIAN PARTY, INC., :

Plaintiffs, :

v. :

STATE OF NEW JERSEY, DIVISION OF  
ELECTIONS; and ANNE MILGRAM, in  
her official capacity as New Jersey:  
Attorney General, :

Defendants. :

Civil Action

FINAL JUDGMENT  
BY CONSENT

This matter having been opened to the Court by Renee  
Steinhagen, Esq., of New Jersey Appleseed Public Interest Law  
Center, and Eric Hecker, Esq., of Emery Celli Brinckerhoff & Abady,  
LLP, attorneys for plaintiffs Green Party of New Jersey, the New  
Jersey Conservative Party and the New Jersey Libertarian Party

("the plaintiffs"), upon notice to Anne Milgram, Attorney General of the State of New Jersey, and the New Jersey Division of Elections ("the defendants"), and

WHEREAS the plaintiffs filed a complaint in this matter on October 13, 2006; and

WHEREAS the plaintiffs and the defendants desire to avoid the time and expense of litigating this matter and seek to resolve the issues raised consistent with applicable case law; and

WHEREAS the plaintiffs and the defendants consent to the entry of this order in full and final settlement of this matter; and

WHEREAS good cause has been shown for the entry of this Order,

**IT IS** on this 17<sup>th</sup> day of October, 2007;

**ORDERED** that the New Jersey Conservative Party, having demonstrated that it satisfies the criteria set forth in Council of Alternative Political Parties, et al. v. State of New Jersey, et al. ("CAPP"), 344 N.J. Super. 225 (App. Div. 2001), shall be included on the State of New Jersey Political Party Affiliation Declaration Form ("party declaration form").

With respect to the party declaration form, the following changes shall be made: (1) the word "Party" shall be deleted following the word "Green" and "Libertarian" in the top section of the form; (2) a checkbox labeled "Conservative" shall be inserted

in the top section of the form; (3) the phrase "The Conservative Party" shall be added to the bottom section of the form; and (4) in note "\*", the phrase "you can participate in the convention of that party, according to its bylaws, but" shall be inserted before the phrase "you cannot vote." These changes are reflected in the revised party declaration form which is attached hereto as Exhibit A. Within 10 days of the execution of this Order, the new party declaration form shall be posted on the Division of Elections' website.

With respect to the New Jersey Voter Registration Application form ("voter registration form"), the following change shall be made: the list of parties that appears on the current form in note 10 in the instructions at the bottom of the form shall be deleted. This change is reflected in the revised voter registration form which is attached hereto as Exhibit B. Within 10 days of the execution of this Order, the new voter registration form shall be posted on the Division of Elections' website. New voter registration forms shall be printed by the Division of Elections no later than December 31, 2007. After that date, any old voter registration forms in the possession, custody, or control of the State of New Jersey shall be destroyed and not be made available by the Division of Elections; and it is further

**ORDERED** that the New Jersey Reform Party, the New Jersey Natural Law Party, and the United States Constitution Party shall

be removed from the party declaration form upon confirmation by the plaintiffs, with the assistance of the Division of Elections, that those parties are defunct in New Jersey and no longer meet the criteria set forth in CAPP. The New Jersey Reform Party, the New Jersey Natural Law Party, and the United States Constitution Party shall be deleted from the party declaration form available on the Division of Elections' website within 10 days of submission by the plaintiffs, with the assistance of the Division of Elections, of confirmation that those parties are no longer operating in New Jersey. As set forth in the prior provision of this Order, the voter registration form and the party declaration form shall be revised to reflect these changes as set forth in Exhibits A and B; and it is further

**ORDERED** that, consistent with the decision in Buckley v. American Constitutional Law Foundation, 525 U.S. 182, 119 S.Ct. 636, 142 L.Ed.2d 599 (1999), the provisions in N.J.S.A. 19:13-5 and 19:13-7 which, when read together, require a person certifying the signatures on a direct nomination petition to be a legally qualified voter residing within the district in which the nominee is seeking office is hereby declared to be void and unenforceable. A person certifying a direct nomination petition must still make oath that the petition is made in good faith, that the affiant saw all of the signatures made thereto, and that the affiant believes the signers are duly qualified voters. A person certifying a

direct nomination petition must be a resident of the State of New Jersey and must provide his or her address on the direct nomination petition. On or before December 31, 2007, new direct nomination petition forms reflecting this change shall be printed and made available by the Division of Elections. After December 31, 2007, any prior versions of the direct nomination petition forms in the possession, custody, or control of the State of New Jersey shall be destroyed and shall no longer be made available by the Division of Elections; and it is further

**ORDERED** that the provision in N.J.S.A. 19:13-4 which requires direct nomination petition signers to pledge themselves to support and vote for the candidate named in the petition they signed is hereby declared to be void and unenforceable. On or before December 31, 2007, new direct nomination petition forms reflecting this change shall be printed and made available by the Division of Elections. After December 31, 2007, any prior versions of the direct nomination petition forms in the possession, custody, or control of the State of New Jersey shall be destroyed and shall no longer be made available by the Division of Elections; and it is further

**ORDERED** that to the extent that the definition of "political party" provided in N.J.S.A. 19:1-1, coupled with the requirements of N.J.S.A. 19:5-2, 5-3, or 5-4, results in the application to the plaintiffs of "contribution limits" (as that

term is used in the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, et seq. and in N.J.A.C. 19:25-11.2) that are not equal to the contribution limits applicable to and by a "political party committee" (as that term is defined at N.J.S.A. 19:44A-3(p)), then N.J.S.A. 19:1-1, N.J.S.A. 19:5-2, 19:5-3, 19:5-4 shall be void and unenforceable as to the plaintiffs unless a court of competent jurisdiction subsequently determines that a plaintiff no longer satisfies the CAPP criteria; and it is further

**ORDERED** that the plaintiffs shall be treated as political party committees for the purpose of the contribution limits in the New Jersey Campaign Contributions and Expenditures Reporting Act, and for the purposes of N.J.A.C. 19:25-11.2, N.J.S.A. 19:44A-9(h), and N.J.S.A. 19:44A-20.3 through 19:44A-20.27, provided that the plaintiffs: (a) may elect members to such committees at the plaintiffs' conventions, rather than at a primary election; (b) shall, within ten (10) days of each such convention, notify the Division of Elections that members have been elected to each such committee; and (c) shall, for each such committee, observe the requirements of N.J.S.A. 19:44A-10 to designate, on or before July 1 in each year, a single organizational treasurer and an organizational depository, and to file the name and address of that organizational depository and organizational treasurer with the Election Law Enforcement Commission not later than the tenth day

after making such designation; and it is further

**ORDERED** that, whereas the defendants' willingness to agree to the increased contribution limits set forth in this Order is premised on the expectation that each plaintiff will enact and maintain bylaws requiring it to contribute only to candidates running for nomination or nominated by its own party, candidates running as unaffiliated candidates or with a label not associated with a political party defined by N.J.S.A. 19:1-1, or any candidate running in a nonpartisan election; and whereas the plaintiffs have denied that the enactment or maintenance of such bylaws is relevant to their entitlement to relief but nonetheless have expressed their willingness to consider enacting such bylaws at their next regularly scheduled conventions; the plaintiffs and the defendants agree that if any of the plaintiffs fails to enact such bylaws at its next regularly scheduled convention or fails to maintain such bylaws thereafter, then any aggrieved party or the State shall have standing to assert a claim that the failure to enact or maintain such bylaws violates applicable law or such aggrieved party's statutory, constitutional, or other rights; and it is further

**ORDERED** that to the extent that any of the provisions of N.J.S.A. 52:13C-18 et seq. subject any of the plaintiffs who have complied with the notice requirements set forth in the previous paragraph to lobbying rules, regulations, restrictions, or requirements that are different from those applicable to the

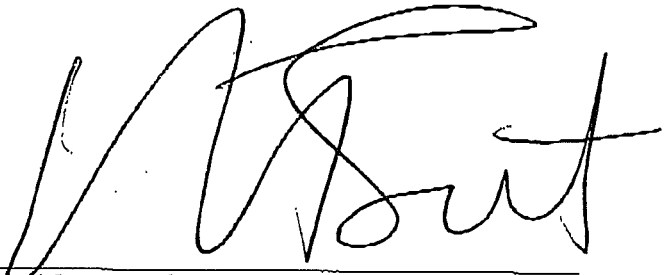
State's political parties (as defined in N.J.S.A. 19:1-1), those statutes, rules, regulations, restrictions, or requirements are hereby declared to be void and unenforceable as to the plaintiffs, and such statutes, rules, regulations, restrictions, or requirements (including without limitation N.J.S.A. 52:13C-27(d) and N.J.A.C. 19:25-20.3(a)(4)) shall be interpreted to treat the plaintiffs and the political parties equally; and it is further

**ORDERED** that the plaintiffs are the prevailing party for purposes of 42 U.S.C. § 1988. The State shall pay the plaintiffs the sum of \$65,000 for attorneys' fees reasonably expended prosecuting this action through the date of the execution of this Order. The plaintiffs waive their right to seek additional attorneys' fees for any legal services performed through the date of the execution of this Order, but reserve their right to seek additional attorneys' fees for legal services performed in the future to enforce or remedy any violation of this Order; and it is further

**ORDERED** that within 10 days of the execution of this Order, the Division of Elections shall cause copies of this Order to be served, together with the cover letter attached hereto as Exhibit C, on (1) the clerk of each county in the State, (2) the clerk of each municipality of the State, (3) the secretary of each board of education in the State; and (4) the Election Law Enforcement Commission; and it is further



ORDERED that this matter is hereby dismissed in accordance with the terms set forth within this Final Judgment by Consent.


  
Neil H. Shuster, A.J.S.C.  
P.J.-Ch.

The undersigned consent to the form and entry of the within Final Judgment by Consent.

Attorney for Plaintiffs

By: \_\_\_\_\_  
Renee Steinhagen, Esq.

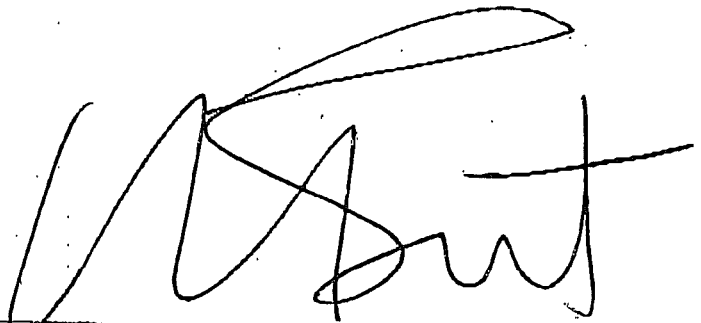
Attorney for Plaintiffs

By:  \_\_\_\_\_  
Eric Hecker, Esq.

ANNE MILGRAM  
ATTORNEY GENERAL

By: \_\_\_\_\_  
Donna Kelly  
Assistant Attorney General

ORDERED that this matter is hereby dismissed in accordance with the terms set forth within this Final Judgment by Consent.

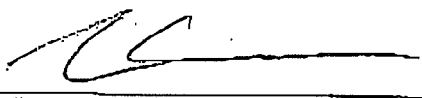
  
Neil H. Shuster, A.J.S.C.  
P.J. Ch.

The undersigned consent to the form and entry of the within Final Judgment by Consent.

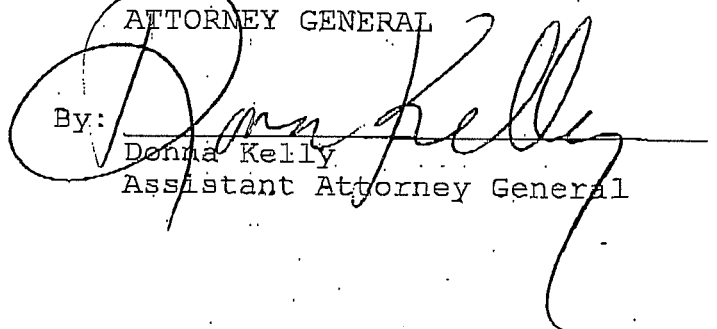
Attorney for Plaintiffs

By: \_\_\_\_\_  
Renee Steinhagen, Esq.

Attorney for Plaintiffs

By:   
Eric Hecker, Esq.

ANNE MILGRAM  
ATTORNEY GENERAL

By:   
Donna Kelly  
Assistant Attorney General


ORDERED that this matter is hereby dismissed in accordance with the terms set forth within this Final Judgment by Consent.




Neil H. Shuster, ~~S.J.S.C.~~  
P.J.Ch.

The undersigned consent to the form and entry of the within Final Judgment by Consent.

Attorney for Plaintiffs

By:   
Renee Steinhagen, Esq.

Attorney for Plaintiffs

By:   
Eric Hecker, Esq.

ANNE MILGRAM  
ATTORNEY GENERAL

By: \_\_\_\_\_  
Donna Kelly  
Assistant Attorney General

# EXHIBIT A



# State of New Jersey Political Party Affiliation Declaration Form

I, being a registered voter at the address listed below, do hereby declare that I wish to affiliate with the following political party or political group:

- Democratic
- Republican
- Conservative
- Green Party\*
- Libertarian Party\*
- Natural Law Party\*
- Reform Party\*
- U.S. Constitution Party\*

OR

I, being a registered voter at the address listed below, do hereby declare that I do not want to be affiliated with any political party or group.

Unaffiliated\*\*

Last Name \_\_\_\_\_

First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

Date of Birth:(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

**New Jersey Residence:**

Street \_\_\_\_\_ Apt. No. \_\_\_\_\_

Municipality \_\_\_\_\_

County \_\_\_\_\_ Zip Code \_\_\_\_\_

Signature or mark of registered voter

Date

*"If you are a registered member of the Green Party, Libertarian Party, Natural Law Party, Reform Party, or U.S. Constitution Party, you cannot vote in either the Democratic or Republican Primary."*

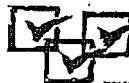
*\*\*If you are a previously affiliated voter who becomes unaffiliated, you must file the declaration form no later than 50 days before the primary in order to vote in either primary.*

*Declaration must be filed no later than 50 days preceding the primary in which the voter wishes to vote. A newly registered voter, an unaffiliated voter or a voter who has never voted in a primary election, can affiliate with the Democratic or Republican Party on the day of the primary.*

or the  
Conservative  
Party, you can  
participate in  
the convention  
of that party,  
according to its  
bylaws, but



Office of the  
Attorney General



New Jersey  
Division  
of Elections

www.NJElections.org

11-002-2.13 04

1. upon confirmation by plaintiffs, with assistance from the Division of Elections, the New Jersey Reform Party, the New Jersey Natural Law Party, and the U.S. Constitution Party will be deleted.

EXHIBIT A

# EXHIBIT B



# New Jersey Voter Registration Application

Please print clearly in ink. All information is required unless marked optional.

1 Check boxes that apply: <input type="checkbox"/> New Registration <input type="checkbox"/> Name Change <input type="checkbox"/> Address Change <input type="checkbox"/> Signature Update <input type="checkbox"/> Political Party Affiliation or Non-affiliation Change						<b>FOR OFFICIAL USE ONLY</b>	
2 Are you a U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, DO NOT complete this form)			Will you be 18 years of age by the next election? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, DO NOT complete this form)			Clerk	
3 Last Name		First Name	Middle Name or Initial		Suffix (Jr., Sr., III)	Registration #	
4 Date of Birth		Month	Day	Year	Office Time Stamp		
5 NJ Driver's License Number or MVC Non-driver ID Number				If you DO NOT have a NJ Driver's License or MVC Non-Driver ID, provide the last 4 digits of your Social Security Number			
<input type="checkbox"/> I swear or affirm that I DO NOT have a NJ Driver's License, MVC Non-driver ID or a Social Security Number.							
6 Home Address (DO NOT use PO Box)			Apt.	Municipality	County	State	Zip Code
7 Mailing Address if different from above			Apt.	Municipality	County	State	Zip Code
8 Last Address Registered to Vote (DO NOT use PO Box)			Apt.	Municipality	County	State	Zip Code
9 Former Name if Making Name Change					Day Phone Number (Optional)		
10 Do you wish to declare a political party affiliation? (Optional) <input type="checkbox"/> Yes, the party name is _____ <input type="checkbox"/> No, I do not wish to be affiliated with any political party.							
11 Gender <input type="checkbox"/> Female <input type="checkbox"/> Male		Declaration - I swear or affirm that: <ul style="list-style-type: none"><li>I am a U.S. Citizen</li><li>I live at the above address</li><li>I will be at least 18 years old on or before the next election</li></ul>		I will have resided in the State and county at least 30 days before this next election		I am not on parole, probation or serving a sentence due to a conviction for an indictable offense under any federal or state laws	
		I understand that any false or fraudulent registration may subject me to a fine of up to \$15,000, imprisonment up to 5 years, or both pursuant to R.S. 19:34-1					
Signature: Sign or mark and date on lines below				If applicant is unable to complete this form, print the name and address of individual who completed this form.			
X _____				Name _____ Date _____			
Date _____				Address _____			

## Important Instructions for sections 5, 6 and 10

5) Registrants who are submitting this form by mail and are registering to vote for the first time: If you do not have any of the information required by section 5, or the information you provide cannot be verified, you will be asked to provide a COPY of a current and valid photo ID, or a document with your name and current address on it to avoid having to provide identification at the polling place.

Note: ID Numbers are Confidential and will not be released by any governmental agency. Any person who uses such numbers illegally shall be subject to criminal penalties.

6) If you are homeless, you may complete section 8 by providing a contact point or the location where you spend most of your time.

10) You may declare a political affiliation or you may declare to be unaffiliated, regardless of any prior party affiliation. Completing section 10 is OPTIONAL and will not affect the acceptance of your voter registration application.

More information? Check boxes below if you would like to receive more information about:

- absentee voting
- polling place accessibility
- becoming a poll worker
- available election materials in this alternative language
- voting if you have a disability, including visual impairment

For further information, visit [www.NJ.Elections.org](http://www.NJ.Elections.org) or call NJ Voter 1-877-NJVOTER (1-877-658-6837)

# EXHIBIT C





JON S. CORZINE  
Governor

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 112  
TRENTON, NJ 08625-0112

ANNE MILGRAM  
Attorney General

ROBERT J. GILSON  
Director

August 10, 2007

County Clerks of New Jersey  
Clerks of New Jersey Municipalities  
Secretaries of New Jersey Boards of Education  
Election Law Enforcement Commission

Re: Final Judgment By Consent in Green Party of New Jersey, et al. v. State of New Jersey, et al.

Dear :

This letter is to inform you of the Final Judgment by Consent in the above-referenced matter which was entered into on August \_\_, 2007 in the above-referenced case.

We direct your attention to several provisions of particular importance to your office. First, please note that there will be changes made to the **Political Party Affiliation Declaration Form**. The word "Party" will be deleted following the words "Green" and "Libertarian" in the top section of the form. A checkbox labeled "Conservative" will be inserted in the top section, and the phrase "The Conservative Party" will be added to the bottom section of the form. Finally in "Note \*," the phrase "you can participate in the convention of that party, according to its bylaws, but...." will be inserted before the phrase "you cannot vote." The Division of Elections will post the revised party declaration form on its website within 10 days of the signing of the consent order. When that occurs, you immediately must begin to use the revised version.



August 10, 2007

Page 2

In addition, there will be one change made to the **Voter Registration Application**. The list of parties that appears on the current form in "Note 10" in the instructions at the bottom of the form shall be deleted. **The Division of Elections will post the revised voter registration form on its website within 10 days of the signing of the consent order.** Please note that the Division of Elections will print the revised voter registration forms no later than December 31, 2007. **After that date, you must destroy any old voter registration forms you have and exclusively use the revised form.**

Finally, if plaintiffs in the Green Party case, with the assistance of the Division of Elections are able to confirm that the New Jersey Reform Party, the New Jersey Natural Law Party and the United States Constitution Party are defunct in the State, such parties will be removed from the party declaration form and the voter registration form. We will keep you apprised of the status of these changes as they occur.

Please contact this office if you have any questions. Thank you for your anticipated cooperation in this important matter.

Sincerely yours,

c: Renee Steinhagen, Esq.  
Eric Hecker, Esq.  
Jason Orlando, DAG  
(Others ?)

Exhibit C