



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NOS. STE 05426-25
AND STE 05428-25
AGENCY DKT. NOS. N/A

MICHAEL D. BYRNE,

Petitioner,

v.

NEW JERSEY DIVISION OF ELECTIONS,

Respondent,

(CONSOLIDATED)

And

TOM BONFONTI,

Petitioner,

v.

MARIO M. KRANJAC,

Respondent.

Giancarlo Ghione, Esq., for petitioner Michael D. Byrne and for respondent Mario M. Kranjac (Sekas Law Group, LLC, attorneys)

Tim Howes, Esq., for petitioner Tom Bonfonti (The Law Office of W. Timothy Howes, attorneys)

Levi Klinger-Christiansen, DAG, for respondent New Jersey Division of Elections
(Matthew Platkin, Attorney General)

Record Closed: April 1, 2025

Decided: April 2, 2025

BEFORE **CARL V. BUCK**, ALJ

STATEMENT OF THE CASE

These are two cases pertaining to the primary candidacy of Mario M. Kranjac (Kranjac), a candidate of the Republican Party in the primary election for Governor of New Jersey. Appeals related to petition submissions were filed with the State of New Jersey, Department of State, Division of Elections (Division or Elections) at or before 4:00 p.m. on Friday, March 28, 2025.

In the first case, STE 05426-25, petitioner Michael D. Byrne (Byrne) challenges the Division's determination to strike certain indorsements from the nominating petition of Kranjac.

In a parallel case, STE 05428-25, petitioner Tom Bonfonti (Bonfonti) challenges the validity of signatures in the nominating submissions filed by Kranjac for several reasons.

Pursuant to N.J.S.A. 19:23-8, at least 2,500 valid signatures are required for a candidate's name to appear on the gubernatorial primary election ballot. In his complaint, Bonfonti objected to 776 specific signatures for the following alleged defects:

- (1) The signatory is a registered member of the Democratic Party, and is therefore unqualified to serve as a signatory for the Republican Primary for Governor;
- (2) The signatory is not a registered voter in the state of New Jersey;

- (3) The signatory signed the petition for Kranjac multiple times;
- (4) The signatory failed to provide statutorily required information to determine they are qualified to sign the petition: Address does not match a registered voter;
- (5) The signatory failed to provide a residential address;
- (6) The signatory failed to provide statutorily required information to determine they are qualified to sign the petition: the indorsement is illegible and unverifiable;
- (7) Signatory revoked their endorsement by crossing out endorsement;
- (8) The endorsement was made on an improperly [sic]; and
- (9) No signature was provided.

[Bonfonti Objection RE: In re Petition of Mario Kranjac (Republican Primary, Governor) at 1.]

In addition to his line-by-line objections, Bonfonti presented a second general objection; to wit, that 481 signatures from unaffiliated signatories should be removed. On March 30, 2025, Timothy Howes, Esq. (Howes), as counsel for Bonfonti, sent a letter to me directly raising an objection to approximately 433 signatures gleaned by the efforts of ten petition circulators who were not members of the Republican Party. On April 1, 2025, Howes sent a letter to me raising an objection to the petitions circulated by Sharyn Alban, who allegedly signed the petition of another candidate for the Republican nomination.

PROCEDURAL HISTORY

Kranjac filed a nominating petition containing a total of 3,021 signatures with Elections within the prescribed time period. Elections accepted 2,949 signatures as valid. On March 28, 2025, Bonfonti filed written objections to the validity of signatures on the petition. Also on March 28, 2025, Byrne filed objections to the Division of Elections' determination striking certain signatures from its petition. These matters were transmitted by the Department of State, Division of Elections to the Office of Administrative Law on March 28, 2025, as contested cases pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A.

52:14F-1 to -13. Both cases were assigned to me on Saturday, March 29, 2025. On March 30, 2025, I contacted the parties via email to discuss the hearing on the matters to begin the next day at 9:30 a.m. At approximately 9:15 p.m., Howes filed an entry of appearance, which was forwarded to me by a staff member at approximately 9:54 p.m. At 10:17 p.m., Howes filed his objection as noted above. This was not sent directly to me, and I received the objection at about 7:15 a.m. on Monday, March 31, 2025. Finally, at approximately 8:05 a.m. on April 1, 2025, Howes submitted an additional filing objecting to the inclusion of petitions circulated by Sharyn Alban, who allegedly signed the petition of another Republican candidate for the Governor of New Jersey.

A hearing was held on an expedited basis via the Zoom communication platform on March 31, 2025, and April 1, 2025. The record closed on April 1, 2025.

During the hearing, approximately 349 of Kranjac's 2,949 signatures were struck because they were found to be of individuals who are not registered to vote; were registered as members of a party other than the Republican party; were duplicative of other signatures; the signature differed from that in the state voter registration system; the signatory's address differed from that in the state voter registration system; or the signature was illegible.

On April 1, 2025, Bonfonti and Kranjac stipulated to the removal of the 349 signatures, which was accomplished through review and analysis of 700 line items within the challenge (of the total of 776 line items). (C-1.) Contemporaneously, Byrne agreed to withdraw his challenge to the Division's determinations (C-2). Bonfonti agreed to withdraw his objections to the remaining challenged signatures in "Bonfonti Exhibit 1".

At approximately 10:38 p.m., closings for the parties were received on the remaining issues, and the record closed.

FACTUAL DISCUSSIONS AND FINDINGS

Kimberly Pastva, an analyst for the New Jersey Division of Elections, testified under oath that she would truthfully and accurately testify as to knowledge in locating and

viewing the voter records in the Statewide Voter Registration System (SVRS) to the best of her ability. She has been employed by the Division of Elections and has expertise in using the SVRS.

Dawn Schilling, an analyst for the New Jersey Division of Elections, testified under oath that she would truthfully and accurately testify as to knowledge in locating and viewing the voter records in the SVRS to the best of her ability. She has been employed by the Division of Elections and has expertise in using the SVRS.

Joe Negron, an analyst for the New Jersey Division of Elections, testified under oath that he would truthfully and accurately testify as to his knowledge in locating and viewing the voter records in the SVRS to the best of his ability. He has been employed by the Division of Elections and has expertise in using the SVRS.

None of the parties raised any concern with the qualifications or abilities of the Elections representatives.

The SVRS records are true and complete and are relied upon to establish lists of eligible voters. The information in the SVRS is up to date as of April 1, 2025, as the data is updated on a daily basis by county representatives who input the data into the SVRS. The information in the SVRS is a true, accurate, and current reflection of the voter records not only of the election district in question but all districts throughout the State of New Jersey. The Division of Elections and county boards of elections rely upon this database in obtaining information concerning voters in each county or district as well as those within the State of New Jersey for official uses and purposes.

I **FIND** that Kimberly Pastva, Dawn Schilling, and Joe Negron are qualified to testify as to the nominating petition at issue in this case and did so truthfully, accurately and forthrightly.

LEGAL ANALYSIS AND CONCLUSIONS

Election laws are to be liberally construed so as to effectuate their purpose. They should not be construed so as to deprive voters of their franchise or to render an election void for technical reasons. Kilmurray v. Gilfert, 10 N.J. 435, 440 (1952); In re Ross Petition, 116 N.J. Super 178, 184 (App. Div. 1971). Usually, it is in the public interest to submit to the electorate a ballot bearing the names of candidates of all qualifying groups and parties. Kilmurray, 10 N.J. at 441. In enacting the mechanisms governing elections, our Legislature intended “to promote participation in the candidate-selection process, and to give voters more choices in a primary election.” Lesniak v. Budzash, 133 N.J. 1, 17 (1993). See also, New Jersey Democratic Party, Inc. v. Samson, 175 N.J. 178, 190 (2002).

In furtherance of that societal purpose, the Legislature has prescribed in N.J.S.A. 19:23-7 that a nominating petition for a primary election shall set forth:

. . . that the signers thereof are qualified voters of the . . . election district . . . in which they reside and for which they desire to nominate candidates; that they are members of a political party (naming the same), and that they intend to affiliate with that political party at the ensuing election; that they indorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named; and that they request that the name of the person or persons therein mentioned be printed upon the official primary ballots of their political party as the candidate or candidates for such nomination.

[N.J.S.A. 19:23-7.]

In Lesniak, the court clarified that a voter must be registered in order to be considered “qualified” to sign a party-nomination petition within the meaning of this statute. Lesniak, 133 N.J. at 12. Emphasizing the importance of political parties to our electoral system, the court held that the registration requirement “is a legitimate, reasonable, and constitutional regulation of the primary process.” Ibid. Moreover, Lesniak acknowledged that “the only expeditious manner of determining who is eligible to sign the nomination petition is to consult the registration list,” (Id. at 10), and that

“registration as a voter is a prerequisite to the right validly to sign a nominating petition” (Id. at 11). This language underscores that the public and election officials are entitled to rely on the current registration list in determining eligibility to vote or sign nominating petitions.

A missing or incorrect address does not necessarily disqualify a signature if it can be determined from voter records that the signer is a resident and qualified voter within the district. Friends of Usry, 187 N.J. Super. 176, 181 (App. Div. 1982). Moreover, the challenger of the nomination petition bears the burden of proof to establish facts essential to their claim, by the preponderance of competent and credible evidence. Allen v. Wahner, ATG 04261-01, Initial Decision (July 16, 2001), adopted, Attorney Gen. (July 26, 2001), <https://njlaw.rutgers.edu/collections/oal/>, (citing Atkinson v. Parsekian, 37 N.J. 143, 149 (1962)).

Bonfonti additionally objects to the inclusion of 433 unaffiliated voters on the petition as contained in “Bonfonti Exhibit 2”. A signer who is a registered voter but who is unaffiliated with any party is not disqualified from signing a nominating petition because such a voter may declare party membership by signing the nominating petition. N.J.S.A. 19:23-7; Lesniak, 133 N.J. at 17. Thus, Bonfonti’s objection to the 433 unaffiliated signatures from his Exhibit 2 is **DENIED**.

Next, Bonfonti objects to the petitions of the following ten circulators because they were registered as unaffiliated at the time of circulation: Julie Rocha, Andrew Delshad, Lois McKenna, Robert Baumgartner, Thomas Kim, Jeni Glavicic, Lindsay Hoban, David Ambartsumyan, Ronalee Newman, and Deborah Truncale. Together, the signatures collected by these circulators total 433. However, Bonfonti did not raise this issue until the evening of March 30, 2025, and thus, this objection is untimely. Notwithstanding, Byrne attached a certification attesting that he was instructed to send proof that the unaffiliated circulators became registered Republicans by way of email to petition.amendment@sos.nj.gov and that Byrne did, in fact, transmit proof of these amended voter registration updates to this email address (Kranjac Exhibit B). Kranjac has submitted a copy of that email correspondence with Elections demonstrating that after being informed that these petitions must be cured by these ten circulators’ registering

with the Republican party, those circulators did indeed register as members of the Republican party immediately after this notice (Kranjac Exhibit A). So, notwithstanding that the objection to the affiliation of the circulators was made beyond the time for such complaints; the issue raised has been rectified and is rendered moot through acceptance by Elections.

Finally, on the morning of the second day of the hearing (April 1, 2025), Bonfonti submitted an additional request seeking to nullify petition books 112, 113, 114, 115, 116, and 117 (Bonfonti Exhibit 3). Bonfonti alleges that the circulator of these petition books, Sharyn Alban, had signed the nominating petition of another candidate for the Republican nomination, Jack Ciattarelli. Because Bonfonti raised this issue for the first time on the second day of this hearing, this objection is also untimely and must be dismissed. Challenges to the petition were due on Friday, March 28, 2025, at 4:00 pm. The statutory deadline is set by N.J.S.A. 19:13-10:

Every petition of nomination in apparent conformity with the provisions of this Title shall be deemed to be valid, unless objection thereto be duly made in writing and filed with the officer with whom the original petition was filed not later than 4:00 p.m. of the fourth day after the last day for filing of petitions.

There is no dispute that this objection was submitted after this statutory deadline. Thus, Bonfonti's objections to the petitions signed by Sharyn Alban as contained in Bonfonti Exhibit 3 must be **DISMISSED** as untimely.

Accordingly, because each of Bonfonti's objections to the petition have been denied, I **FIND** that the petition of Mario J. Kranjac is valid. Respondent Mario M. Kranjac must be included on the ballot for the primary election of the Republican candidate for Governor of New Jersey.

ORDER

Based upon the foregoing, it is **ORDERED** that the signatures as detailed above, contained in respondent Kranjac's nominating petition, be deemed valid; that petitioner

Bonfonti's challenges be **DISMISSED**; and that respondent Kranjac's nominating petition to become a candidate of the Republican Party in the primary election for Governor of New Jersey be declared valid. It is further **ORDERED** that respondent Kranjac's name be included on the ballot.

I hereby **FILE** my initial decision with the **SECRETARY OF STATE** for consideration.

This recommended decision may be adopted, modified or rejected by the **SECRETARY OF STATE**, who by law is authorized to make a final decision in this matter. If the Secretary of State does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Any party may file exceptions with the **DIRECTOR OF THE DIVISION OF ELECTIONS, DEPARTMENT OF STATE**, by facsimile transmission at (609) 777-1280 within two hours of receipt of the initial decision. A hard copy shall be mailed within twenty-four hours of the facsimile transmission to the **DIRECTOR OF THE DIVISION OF ELECTIONS, DEPARTMENT OF STATE, 225 West State Street, 5th Floor, PO Box 304, Trenton, New Jersey 08625-0304**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

April 2, 2025

DATE



CARL V. BUCK, ALJ

Date Received by Secretary of State:

Date Mailed to Parties:

CVB/sg/tat

APPENDIX

Witnesses

For Petitioner Michael D. Byrne:

Michael D. Byrne

For Petitioner Tom Bonfonti:

Tom Bonfonti

For Respondent New Jersey Division of Elections:

Kimberly Pastva
Dawn Schilling
Joe Negron

For Respondent Mario M. Kranjac:

Michael D. Byrne

Exhibits

For Petitioner Michael D. Byrne:

Michael D. Byrne

For Petitioner Tom Bonfonti:

- 1 – Challenges
- 2 – Unaffiliated voters
- 3 – Howes objection April 1, 2025

For Respondent New Jersey Division of Elections:

None

For Respondent Mario M. Kranjac:

- A – Petition check off
- B – Certification of Byrne
- C1 – email Byrne March 25, 2025 9:39PM
- C2 – email Byrne March 27, 2025 3:19PM

Court:

- C-1 Stipulation of Settlement STE 05428-25
- C-2 Stipulation of Settlement STE 05426-25