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8 SUPERIOR COURT OF NEW JERSEY
9 LAW DIVISION, COUNTY OF PASSAIC

Docket No.: PAS-L-____-20

10 IN RE: CITY OF PATERSON THIRD WARD
11 MUNICIPAL ELECTION OF MAY 12, 2020

Civil Action

12 **VERIFIED PETITION PURSUANT TO**
13 **N.J.S.A. 19:29-1, ET SEQ.**
14 **CONTESTING ELECTION RESULTS**

15
16 Petitioner William McKoy (“McKoy” or “Petitioner”), candidate for the position of Third Ward City
17 Council person, and a resident and registered voter in the City of Paterson (“Paterson”), Passaic County, by
18 way of this Verified Petition, alleges and says:

19 **PARTIES**

20
21 1. Petitioner, William McKoy is an individual citizen of the State of New Jersey and the City of
22 Paterson, and maintains his principal residence at 528 15th Ave., Paterson, New Jersey 07504.

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24 2. At all times relevant herein, McKoy was a candidate named on the ballot for the office of Third
25 Ward Councilman in the City of Paterson in the Municipal Election held May 12, 2020 (the “Election”), for an
26 open position on the City Council.

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28 3. Respondent Passaic County Clerk (the “County Clerk”) and Respondent Passaic County Board of
29 Elections (the “Board of Elections”) maintain their principle offices at 401 Grand Street, Paterson, NJ 07505.

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31 4. At all times relevant herein, the County Clerk was responsible for, *inter alia*, preparing and printing
32 mail-in ballots and mailing said mail-in ballots to qualified registered voters in Paterson for the Election;
33 tabulating election totals in Passaic County; and for tabulating election totals in Passaic County.

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35 5. At all times relevant herein, the Board of Elections was responsible for, *inter alia*, processing and
36 counting all vote-by-mail ballots (“VBMs”), including civilian and military ballots; serving as a polling location
37 for VBMs for all elections in Passaic County; processing and distributing challenger credentials for all
38 elections in Passaic County; overseeing advertising for all elections in Passaic County; and conducting

1 recounts of election results in Passaic County. They are also responsible for canvassing ballots for all
2 elections in Passaic County; issuing statements of the results for all elections in Passaic County; certifying
3 the results of all elections to the County Clerk, except for municipal elections, which are certified to the
4 Municipal Clerk, political party chairs, and the Secretary of State of New Jersey; and issuing Certificates of
5 Election to successful candidates for all elections in Passaic County.

6 6. Respondent Superintendent of Elections and Commissioner of Registration (the “Superintendent of
7 Elections”) maintains their principle office at 501 River Street, Paterson, NJ 07524.

8 7. At all times relevant herein, the Superintendent of Elections was responsible for registering voters
9 and updating/maintaining the registration rolls for Passaic County.

10 8. Respondent Paterson City Clerk (the “Municipal Clerk”) maintains their principle office at 155
11 Market Street, Suite 101, Paterson, NJ 07505.

12 9. At all times relevant herein, the Municipal Clerk was responsible for certifying the results of the
13 Election pursuant to N.J.S.A. 40:45, et seq.

14 **FACTUAL BACKGROUND**

15 10. The City of Paterson (the “City”) is a municipal corporation organized as a city in accordance with
16 N.J.S.A. 40:69A-1, et seq.

17 11. The City has an elected Mayor and nine (9) Council members, of which three (3) are At-Large and
18 the remaining six (6) each represent the City’s six wards.

19 12. For purposes of this Petition, the subject Election is limited to the election of the City Council
20 person to represent the Third Ward in Paterson.

21 13. Due to the ongoing COVID-19 pandemic, the Election was an entirely mail-in ballot election. Only
22 one voting machine was made available to special needs voters for their use, located at the County Clerk’s
23 office, but said machine was never actually used.

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1 14. In the Third Ward, approximately 4,565 ballots were initially reported as having been cast, with
2 3,402 having been accepted. The results of the Election, as reported, were:

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CANDIDATE	VOTES RECEIVED
Alex Mendez	1,595
William McKoy	1,350
Sharrieff Bugg	296
Robyn Spencer	118
Chauncey I. Brown, III	43

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8 15. Following the certification of the results of the Election, McKoy trailed Mendez by 245 votes.

9 16. Having reason to believe an error had been made in the counting of the vote, Petitioner filed a
10 Verified Petition pursuant to N.J.S.A. 19:28-1, et seq. seeking a recount of the VBMs and any other paper
11 ballots cast in the Election.

12 17. On May 29, 2020, a recount was ordered by the Honorable Ernest M. Caposela, A.J.S.C., a true
13 copy of which is attached as **Exhibit A**.

14 18. The recount of the VBMs was held on June 1, 2020.

15 19. According to the Board of Elections, the results of the recount were as follows:

16

CANDIDATE	VOTES RECEIVED	NET CHANGE
Alex Mendez	1,598	+3
William McKoy	1,358	+8
Sharrieff Bugg	298	+2
Robyn Spencer	118	+0
Chauncey I. Brown, III	42	+0

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21 20. The recount of the VBMs showed an increase in three (3) votes for Mendez, eight (8) for McKoy,
22 and two (2) for Bugg. As a result, there was a net increase of twelve (12) votes accepted (3,414) as
23 compared to the previous total of 3,102. Attached is a true copy of the results of the recount as **Exhibit B**.

24 21. Upon information and belief, the results of the Election have not been certified as of the date of
25 filing, but such certification is expected to occur shortly thereafter.

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1 **GROUNDS FOR CONTEST**

2 22. Upon information and belief, the following violations of the provisions enumerated in N.J.S.A.
3 19:29-1 and the other provisions of Title 19 occurred, such that a fair, free, and full expression of the intent
4 of the voters was not had. To the extent known, voters are identified pursuant to N.J.S.A. 19:29-2.

5 23. More to the point, according to Gregg F. Paster, Esq., attorney for Alex Mendez, “This election is a
6 sham, regardless of who are the ultimate victors and this process has to be reviewed by the courts to
7 address the deficiencies in the planning and execution of the election.”

8 24. Petitioner agrees with Mr. Paster. The Election was rife with nonfeasance, malfeasance, and
9 straight up voter fraud. It was a failure at every level, from the mailing of VBMs to their delivery, from the
10 actual casting of the ballots to the receiving of same by the Board of Elections and their counting thereof.

11 25. To illustrate this point, note that **24.29% of all ballots in the Third Ward alone were rejected by**
12 **the Board of Elections** and disqualified due to a variety of reasons that indicate a high level of voter fraud.
13 This amount is even higher than the number of ballots rejected City-wide, which was approximately 19%.

14 26. **Upon information and belief, in the 31 municipalities that held elections on May 12, 2020,**
15 **including Paterson, only 9.6% of ballots were rejected.** Excluding Paterson, the other 30 municipalities
16 averaged just 8.1% of ballots rejected. No other municipality had more than 13% of ballots rejected, with the
17 vast majority of municipalities having 10% or fewer ballots rejected.

18 27. The Board of Elections therefore rejected ballots in Paterson’s Third Ward at a rate of more than
19 three times the average number of ballots rejected in every other municipality.

20 28. Even within Paterson’s own history, this is an unusually high rejection rate:

21 29. In the 2018 Municipal Election, City-wide, just 10.5% of VBMs were rejected.

22 30. In the 2016 Municipal Election, City-wide, just 4.8% of VBMs were rejected.

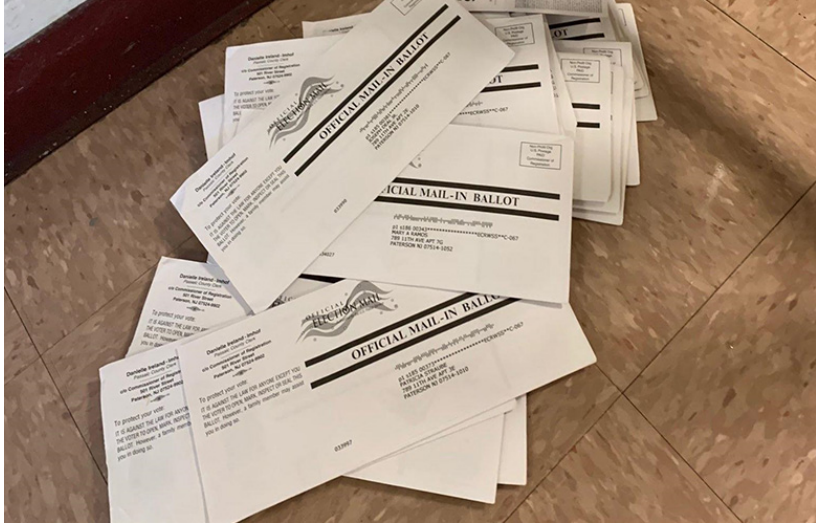
23 31. In the 2014 Municipal Election, City-wide, just 4.5% of VBMs were rejected.

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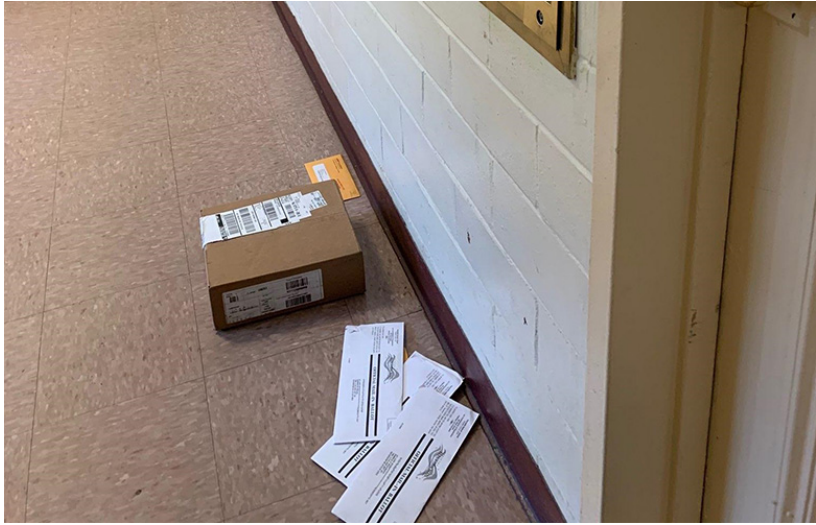
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Issues with Mailing and Delivery of VBMs

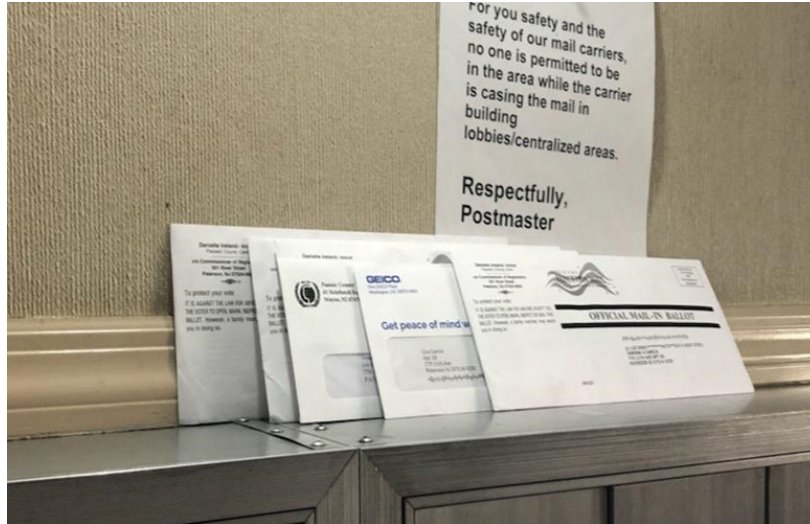
32. Multiple news outlets have reported that stacks of potentially hundreds of ballots were left out in the open in numerous apartment buildings instead of being delivered to individual mailboxes. Photographs have surfaced of stacks of ballots left on the ground and on top of mailboxes, shown below:



789 11th Ave., Paterson, NJ 07514



789 11th Ave., Paterson, NJ 07514



789 11th Ave., Paterson, NJ 07514

33. Notably, neither of the two individuals whose names are legible from the first photograph, Patricia Straube and Mary A. Ramos, voted in the Election. Nor, in fact, did anyone from their households.

34. Upon information and belief, such apartment buildings include, but are not limited to:

- 39 E. 39th St., Paterson, NJ 07514
- 769 11th Ave., Paterson, NJ 07514
- 789 11th Ave., Paterson, NJ 07514
- 801 11th Ave., Paterson, NJ 07514
- 807 11th Ave., Paterson, NJ 07514

35. Upon information and belief, at 807 11th Ave., ballots were left in the open, such as on the floor, rather than being delivered to individual mailboxes.

36. Upon information and belief, there are 69 registered voters who reside at 807 11th Ave. 26 of the 69 voted in the Election, with 43 individuals failing to cast a ballot.

37. Upon information and belief, at least 17 individuals from the building who did not cast a ballot state that they never received their VBM and were thus unable to vote. These individuals include:

- **Edward R. Alala**
- **Raymond F. Berdan**
- **Pierre Bertran**
- **Tomas Cordova**
- **Dawn M. Jones**
- **Dawn M. Klutsarits**
- **Paula Mulero**
- **Kathleen O'Brien**
- **William S. Pierce**
- **Anita Provenzale**
- **Justino Santana**
- **Ernest A. Semento**

- 1 • **Gerda H. Sirbono**
- 2 • **Eduardo R. Soriano, Jr.**
- 3 • **Sandra A. Thomas**
- 4 • **Florence Torpey**
- 5 • **Geraldine P. Vindeed**

6 38. **As a result, at least 25%, a quarter of the registered voters in the building, never received their**
7 **ballots because the United States Postal Service (“USPS”) failed to deliver ballots to individual voters.**

8 39. One notable case is Eduardo R. Soriano, Jr., who stated that he never received a ballot and
9 therefore never voted. Yet somehow, upon information and belief, a ballot bearing his name was received
10 by the Board of Elections, where it was rejected due to a mismatched signature.

11 40. Although we may never know for sure, it is possible that of the 26 individuals in the building who
12 voted, some or all of these individuals also did not actually receive their votes, which could easily have
13 been stolen and forged.

14 41. **In other words, simply because someone was caught attempting to forge Mr. Soriano’s ballot**
15 **does not mean that all such fraudulent ballots were caught.**

16 42. Upon information and belief, the Office of the Inspector General for the USPS is currently
17 investigating these reports and others.

18 43. Upon information and belief, the following individuals also never received a ballot, despite being a
19 registered voter in the Third Ward of Paterson and eligible to vote in the Election:

- 20 • **Kecia D. Brown**
- 21 • **Lawanda Burnett**
- 22 • **Heriberto Cruz**
- 23 • **Clarence S. Hodges**
- 24 • **Diane Karpilo**
- 25 • **Mario R. Larios**
- 26 • **Carmen Lizardo**
- 27 • **Brandy R. McCoy**
- 28 • **Sheila D. Balmer**
- 29 • **Curtis J. Powell**
- **Joyce E. Clark**
- **Marvin L. Williams**

44. Upon information and belief, all of these individuals would have voted for McKoy.

45. Upon information and belief, **Leonard Pollara**, a registered voter in the Third Ward of Paterson and
eligible to vote in the Election, cast a VBM in favor of McKoy, which was never received by the Board of
Elections, as it does not appear on the list of received ballots.

1 46. Upon information and belief, **Trecia Thompson**, a registered voter in the Third Ward of Paterson
2 and eligible to vote in the Election, cast a VBM in favor of McKoy, and handed it to the postman as he was
3 passing by her house. Ms. Thompson lives at 440 E. 33rd St., Paterson, NJ 07504.

4 47. On or about May 14, 2020, two days after the Election, Ms. Thompson found her own ballot on the
5 ground in the middle of 18th Street, at which point it was too late to be counted.

6 48. Upon information and belief, 352 VBMs from were delivered on May 15, 2020 or thereafter, too
7 late to be counted under New Jersey law.

8 49. Upon information and belief, 42 ballots, City-wide, were not delivered until June 2, 2020.

9 50. Upon information and belief, of the 352 late-delivered VBMs, 101 were from the Third Ward.

10 51. Among them included **Chauncey I. Brown III**, a candidate for Election in the Third Ward.

11 52. Such late delivery was not the fault of the voters, but rather of the USPS, which, whether by
12 incompetence, overload, or neglect, failed to deliver said ballots in a timely manner.

13 53. On May 15, 2020, Governor Philip D. Murphy signed Executive Order No. 144, which, *inter alia*,
14 extended the deadline for VBMs to be accepted by the Board of Elections in the July 7, 2020 primary until
15 July 14, 2020, therefore extending the deadline by an additional three days.

16 54. Upon information and belief, Governor Murphy acknowledged the increase stress on the USPS by
17 and through the additional ballots cast in an all-VBM election, which requires that ballots be given a full
18 week of time to be delivered.

19 55. Had such an Executive Order been in place just three days before, at least 58 ballots in the Third
20 Ward alone would have been received and counted by the Board of Elections.

21 56. Upon information and belief, the following 101 individuals' ballots were delivered late through no
22 fault of their own, but rather that of the USPS, and should therefore be counted:

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|----|--------------------------------|---------------------------------|------------------------------|
| 23 | • Carolyn McLaurin | • Patricia A. Contini | • Robert A. White |
| 24 | • Jenny M. Alpizar | • Denise A. Morgan-Small | • Elizabeth A. Bomah |
| 25 | • Amya L. Hamlett | • Janise A. McLaurin | • Stacy L. White |
| 26 | • Katharine A. Costello | • Anna M. Ramsey | • Jainy O. Bobadillo |
| 27 | • Patricia D. Triay | • Michael Bailey | • Lloyd O'Connor |
| 28 | • Jenifer Garcia | • Rachel Y. Richards | • Valene O'Connor |
| 29 | • Cassandra D. Johnson | • Joe P. O'Neill | • Jonathan Berdiel |
| | • Annette Brown | • Gwendolyn B. Nicholas | • Audrey V. Davenport |
| | • Alvin McCoy | • Lawrence J. Reed | • Daviot O. Reid |
| | • Gayla L. Gipson | • Margot R. Mendez | • Renee J. Mincey |
| | • Teresa E. Dongo | • Pauline Y. Hussey | • Sharon Prince |
| | • Samuel A. Roberts | • Gale C. Richardson | • Kanyhi M. Roberson |

- 1 • **Abrianna C. Morales**
- 2 • **Ajredin Braka**
- 3 • **Anthony Perez**
- 4 • **Jamal R. Ramsey**
- 5 • **Lissette A. Pena**
- 6 • **Zandria A. Hastings**
- 7 • **Eduardo P. Urena**
- 8 • **Marcela Braka**
- 9 • **Agustina Medina**
- 10 • **Belinda Bernard**
- 11 • **Clara A. Vanore**
- 12 • **Debra W. Williams**
- 13 • **Dorothy M. Gill**
- 14 • **Derrick G. Bell**
- 15 • **Chauncey I. Brown III**
- 16 • **Robyn Costello**
- 17 • **Ronald Gill**
- 18 • **Douglas E. Thomas**
- 19 • **Delroy Thompson**
- 20 • **Ricardo Dongo**
- 21 • **Juan Trinidad**
- 22 • **Daisy Rodriguez**
- 23 • **Christopher D. Thomas**
- 24 • **Daniel L. Stahl**
- 25 • **Tamara S. Spencer**
- 26 • **Denise A. Robinson-Lewis**
- 27 • **Melody A. Stone**
- 28 • **Justin B. Miller**
- 29 • **Etta M. Johnson**
- **Patricia R. Quiros**
- **Jerome S. Cansavage**
- **Walter B. Thomas**
- **Vicki Y. Thomas**
- **Hugo O. Pena Sr.**
- **Sergio A. Alpizar**
- **Lorraine Hicks**
- **Charles E. Carter**
- **Amy Baez**
- **Maha H. Hammad**
- **Joyette N. Spence**
- **Eva L. Razzak**
- **Candise R. Williams**
- **Michael C. Watson III**
- **Christina A. Douglas**
- **Armando E. Garcia**
- **Angifer Fernandez**
- **Victor Moore**
- **Chandradai Jamalodin**
- **Keshanta V. Miller**
- **Georgina La Luz**
- **Betty J. DeWitt**
- **Ashleigh S. Nelson**
- **Betty L. Bellamy**
- **Kimberly Swain**
- **Concetta DeMarco**
- **Denton S. Douglas**
- **Norma Zegarra**
- **Renee V. Darden**
- **Lenora Peries**
- **Juan C. Trinidad**
- **Elsa Cruz**
- **Maria L. Lantigua**
- **Camisha A. Feggins**
- **Angeline D. Piper**
- **Donald Johnson**

Issues with Bearer Portion of VBMs

15 57. Pursuant to N.J.S.A. 19:63-27, anyone who carries the ballot of another individual to either the
 16 Board of Elections or a postal box must sign the outside envelope of the ballot as the bearer.

17 58. N.J.S.A. 19:63-16 further limits the number of ballots for which an individual may be the bearer to a
 18 maximum of three in any given election.

19 59. Upon information and belief, **William L. Smallwood**, a registered voter within the Third Ward,
 20 delivered his own ballots in-person to the Board of Election, which was later rejected because the “bearer”
 21 did not provide identification at the time of delivery. Smallwood cannot constitute a bearer, as one cannot
 22 be the bearer of one’s own ballot. Furthermore, he was not told by the workers at the Board of Elections
 23 that he needed to provide identification. As a result, his ballots were unlawfully rejected and due solely to
 24 the Board of Election’s own failure in following the law.

25 60. Upon information and belief, **James D. Westfield** and **Jamal Westfield**, registered voters within the
 26 Third Ward, delivered their own ballots in-person to the Board of Election, which were later rejected
 27 because they did not sign the bearer book at the time of delivery. Neither of these individuals constituted
 28 bearers, as one cannot be the bearer of one’s own ballot. Furthermore, neither of these individuals were
 29 told by the workers at the Board of Elections that they needed to sign the book, which is under the sole

1 possession and control of the Board of Elections. As a result, their ballots were unlawfully rejected and due
2 solely to the Board of Election’s own failure in following the law.

3 61. Upon information and belief, **Albert Asphall**, the Assistant Corporation Counsel for Paterson and a
4 registered voter within the Third Ward, delivered his own ballot to the post office, which was received and
5 rejected by the Board of Elections because the bearer portion of the ballot was left incomplete. It is
6 altogether unclear how this determination was made, as there were no employees of the Board of
7 Elections present when the ballot was mailed, nor can one be the bearer of one’s own ballot.

8 62. Upon information and belief, **Kyona L. Best**, a registered voter within the Third Ward, drove to the
9 Board of Elections on Election Day with her husband, Passaic County Freeholder Theodore O. Best to
10 deliver both of their ballots. Freeholder Best brought the ballots inside while his wife waited in the car,
11 signed the bearer book on behalf of both of their ballots upon the request of the Board of Elections
12 employee present, and specifically asked if there was anything else he needed to do. Freeholder Best was
13 informed that he had done everything required, but Ms. Best’s ballot was later rejected because the bearer
14 portion of her ballot was incomplete, as Freeholder Best had not signed it. As a result, even though
15 Freeholder Best was told that the ballots were complete, Ms. Best’s ballot was unlawfully rejected due to
16 the Board of Elections’ own failure in following the law.

17 63. Upon information and belief, Stacey A. Coleman served as the bearer for her own ballot as well as
18 **Zaire M. Wright**. Coleman signed for both ballots in the bearer book, but apparently did not have her
19 identification on her. However, after Coleman returned with identification, the Board of Elections allowed
20 her to deposit both her and Wright’s ballot. Yet, the Board of Elections accepted Coleman’s ballot but
21 rejected Wright’s, as the “bearer did not provide ID.” As a result, even though Coleman provided
22 identification and the Board of Elections accepted her ballot, Wright’s ballot was unlawfully rejected due to
23 the Board of Elections’ own failure in following the law.

24 64. Furthermore, upon information and belief, **LaTonya Foreman** and **Jolly Tate** are both inactive but
25 registered voters in the Third Ward. Both brought their own VBMs in-person to the Board of Elections,
26 which ultimately rejected the ballots because neither voter provided an affirmation of residency. However,
27 upon information and belief, the Board of Elections never instructed either individual that they should or
28 needed to provide such an affirmation. Had the Board of Elections informed the voters, such an affirmation
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1 would have been provided. As a result, both ballots were unlawfully rejected due to the Board of Elections'
2 own failure in following the law.

3 65. Upon information and belief, all of these individuals voted for McKoy.

4 **Issues with Signature Mismatches**

5 66. Pursuant to N.J.S.A. 19:63-17, after a ballot is received, the Board of Elections is directed to remove
6 the inner envelope containing the ballot and compare the voter's signature on the certificate to the
7 signature on file with the statewide voter registration system. If the signature does not match, the Board of
8 Elections is required to reject the ballot.

9 67. Upon information and belief, the Board of Elections does not hire handwriting experts or perform
10 any special training for its employees in comparing the signatures.

11 68. Upon information and belief, the Board of Elections will compare the signature to the voter
12 registration records. However, upon further information and belief, the Board of Elections will also compare
13 the signature to the VBM application if same is available, as it is the most recent signature on file and thus
14 typically the most accurate representation thereof.

15 69. However, as the Election was conducted entirely by mail, for the first time in Paterson history, upon
16 information and belief, the Board of Elections did not have such applications on file for most voters.

17 70. As such, the Board of Elections was only able to compare the signatures to older voter registration
18 signatures. In some cases, the signature on file had not been updated in decades.

19 71. Moreover, upon information and belief, at least 15 voters in the Third Ward did not have **any**
20 signature on file with the statewide voter registration system. Such individuals include:

- 21 • **Yolidania Vasquez**
- 22 • **Catherine Clark**
- 23 • **Madelin Pena**
- 24 • **Miluska Zevallos**
- 25 • **Ray Brewer**
- 26 • **Sergio Mendoza**
- 27 • **Lester J. Molinares**
- 28 • **Yalexis Abreu**
- 29 • **Aquiles A. Arias-Vargas**
- **Carmen Rosado**
- **Juan E. Martinez**
- **Donald H. Miler**
- **Pablo A. Rodriguez**
- **Ronny J. Eusebio**
- **Felix Morrobel**

1 72. As every voter is required to sign their voter registration form, it is unclear why these signatures
2 were not available on the statewide voter registration system.

3 73. Notwithstanding, such updates to the system are not the responsibility of the voter, but, upon
4 information and belief, of the County and Municipal Clerk, as well as the Superintendent of Elections.

5 74. Upon information and belief, there were 301 mismatched signatures in the Third Ward alone, more
6 than the combined number of mismatched signatures in all wards in the 2014, 2016, and 2018 municipal
7 elections (of which there were 221 mismatched signatures, combined).

8 75. Upon information and belief, the following individuals did, in fact, sign their own ballots:

- 9 • **Fahmida Ahmed**
- 10 • **Gene L. Brown**
- 11 • **John H. Brown**
- 12 • **Ronald A. Bryan**
- 13 • **Richard Champion**
- 14 • **William I. Coba**
- 15 • **Crystal V. Cox-Tober**
- 16 • **Tristan P. Edwards**
- 17 • **Luauna V. Hatcher**
- 18 • **Lawrence B. Johnson**
- 19 • **Derek L. Maven**
- 20 • **Melissa O. McBean**
- 21 • **Quaema L. McElveen**
- 22 • **Derick A. McFarlane**
- 23 • **Jordan W. Parchment**
- 24 • **Latoya Brevard**
- 25 • **Jameel H. Brevard**
- 26 • **Winston G. Brown**
- 27 • **Benjamin E. Brunson**
- 28 • **Alvin L. Burgess**
- 29 • **Jackson A. Burnett**
- **Donnavon Campbell**
- **Terry Ann N. Christie**
- **Angela M. Collins**
- **Tameka T. Dalling**
- **Nadine E. Davis**
- **Gregory Drakeford**
- **Ingrid Dunbar**
- **Andrew C. Farrow**
- **Reyes Fermin**
- **Michael Frimpong**
- **David L. Fuller**
- **Taymair M. Gaskins**
- **Lileathe B. Green**
- **Olive L. Green**
- **Marvin Green**
- **Erykah B. Harmon**
- **India S. Isaac**
- **Mariah M. Ivy**
- **Kayla A. Jackson**
- **Andrea K. Jackson**
- **Tiombe S. Johnson**
- **Alison C. Lawson**
- **Perry A. McClam**
- **Varleton J. McDonald**
- **Danielle A. Parks**
- **Christoph W. Phipps**
- **James M. Pilgrim**
- **Angel L. Pope**
- **Tamija M. Pope**
- **Shinicka R. Reed**
- **Charmaine M. Peart**
- **Shelby J. Phillips**
- **Cordell J. Price**
- **Dominique B. Price**
- **Robert A. Price**
- **Brenda F. Belmont**
- **Louis M. Richardson**
- **Kimara A. Ricketts**
- **Sabrina B. Robinson Curry**
- **Jacoby I. Warren**
- **Nikckole A. Wedderburn**
- **James M. Sisco**
- **Earl G. Wilks**
- **Carver L. Scot**
- **Steven A. Williamson**

- **Zymirah L. Gaskins-Kelley**
- **Martin A. Goodwin**
- **Henry C. Williams**

76. As such, any error in comparing the two came from the Board of Elections, not the voter, and the ballots should therefore be counted.

77. Upon information and belief, all of these individuals voted for McKoy.

Miscellaneous Ballot Issues

78. Upon information and belief, the following individuals received their own ballots, completed same in the privacy of their own homes and without outside interference, sealed same, and mailed them back to the Board of Elections. Yet, notwithstanding, their ballots were improperly rejected:

- | | |
|---------------------------------|------------------------------|
| • Shirnet C. Fray Palmer | • Samuel L. Brooks |
| • Robert Hall | • Michael A. Brooks |
| • Willie Clark | • Marva R. Brooks |
| • Alvin McElveen | • Esdorn E. Edwards |
| • Arlie B. Shropshire | • Hilda M. Fairclough |
| • Carl W. Watson | • Tajuan J. James |
| • Frank Warren | • David Simmons |
| • Earl Mickens | • Bryant M. Davis |
| • Tameka A. Wedderburn | • Mattie M. Drakeford |
| • Justin M. Balmer | • Shannon A. Grierson |
| • Sonya D. Williams | • Jody-Ann Leslie |
| • Tamia L. Williams | • Christine A. Miller |
| • Wayne Williams | • Riley J. Felton |
| • McKayla A. Patby | • Dorothy M. Felton |
| • Jacquelin Benjamin | • Alize D. Hamilton |
| • Erica A. Allen | • Silest Reid |
| • Nashawn D. Anderson | • Lattisha L. Mayo |
| • Richard Brown | |

79. Upon information and belief, all of these individuals voted for McKoy.

80. Upon information and belief, at least two ballots were accepted and counted even though the voters, by their own admission, no longer reside in Paterson and therefore never received the ballot. Such individuals include **Gloria M. Stewart** and **Syod R. Uddin**.

Ongoing Investigations into Voter Fraud

81. Upon information and belief, the Federal Bureau of Investigation (“FBI”), the Office of the New Jersey Attorney General (“NJAG”), and the USPS are all conducting investigations into the election and whether there was a concerted effort to steal the election through a coordinated campaign of voter fraud.

1 82. By way of example, on May 7, 2020, an unknown individual working for the USPS discovered 347
2 VBMs located inside a postal collection box in the Borough of Haledon. All such VBMs, upon information
3 and belief, were to be cast in the Paterson municipal election. Furthermore, upon information and belief, all
4 such ballots were cast on the same day at the same postal collection box.

5 83. On May 11, 2020, an unknown individual working for the USPS discovered 531 VBMs located inside
6 a postal collection box in Paterson. All such VBMs, upon information and belief, were to be cast in the
7 Paterson municipal election. Furthermore, upon information and belief, all such ballots were cast on the
8 same day at the same postal collection box.

9 84. On May 12, 2020, an unknown individual working for the USPS discovered 40 VBMs located inside
10 a postal collection box in Paterson. All such VBMs, upon information and belief, were to be cast in the
11 Paterson municipal election. Furthermore, upon information and belief, all such ballots were cast on the
12 same day at the same postal collection box.

13 85. On May 12, 2020, an unknown individual working for the USPS discovered 13 VBMs located inside
14 a postal collection box in Paterson. All such VBMs, upon information and belief, were to be cast in the
15 Paterson municipal election. Furthermore, upon information and belief, all such ballots were cast on the
16 same day at the same postal collection box.

17 86. Additionally, there were two VBMs where the Superintendent of Elections allegedly shared
18 information with the Board of Elections that the VBMs were delivered in violation of N.J.S.A. 19:63-27,
19 which is to say that they were carried by a bearer who failed to properly sign the outside of the ballot as
20 required by law.

21 87. On May 12, 2020, the Board of Elections voted to reject all of the above-referenced ballots, in bulk,
22 due to serious indicia of fraud and strong evidence that such ballots did not comply with N.J.S.A. 19:63-27.

23 88. Attached as **Exhibit C** is a true copy of the Board of Elections' motion to reject said VBMs.

24 89. Solely within the Third Ward, approximately 552 VBMs were discovered and rejected in this
25 apparent attempt to steal election. That is nearly twice as many ballots alone as the margin of the Election.

26 90. Attached as **Exhibit D** is a true copy of the list of all individuals who live in the Third Ward whose
27 ballots were rejected in bulk. Such ballots may be collectively referred to as the "Bulk Reject Ballots."
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1 91. One such individual is **Benjie E. Wimberly** and his family, including **Kimberlynn B. Wimberly**, **Jared**
2 **K. Wimberly**, and **Justin B. Wimberly**. Mr. Wimberly is an elected Assemblyman representing New Jersey's
3 35th Legislative District who is also the Deputy Speaker of the New Jersey General Assembly.

4 92. Upon information and belief, Mr. Wimberly dropped off his ballot, as well as that of his family
5 members, at the post office on Ward Street in Paterson. Yet the Wimberly family ballots were found among
6 the 878 VBMs discovered before May 12 and which ballots were rejected by the Board of Elections.

7 93. Similarly, upon information and belief, **Amira B. Berry**, **Ahmad B. Berry**, **Mae E. Benson**, **Jacquelyn**
8 **A. Benson**, **Lynnette L. Warren**, and **Todd J. Warren** all dropped off their own ballots at the post office on
9 Ward Street and all of their ballots were included and rejected as part of the Bulk Reject Ballots.

10 94. Upon information and belief, **William K. McDowell** (the President of the Paterson Board of
11 Education) and **Audrey McDowell**, as well as **Danilo E. Inoa** (former member of the Paterson Board of
12 Education), **Lourdes G. Inoa**, and **Lourdes Inoa** were all included and rejected as part of the Bulk Reject
13 Ballots, even though they cast their own ballots and mailed them on their own.

14 95. Other voters who received their ballot, completed it in the privacy of their own home, sealed the
15 envelope, and mailed it on their own free accord include, but are not limited to:

- 16 • **Javier A. Boxhill**
- 17 • **Joseph A. Boxill**
- 18 • **Soraya Cohen**
- 19 • **Kayla C. Cohen**
- 20 • **Joan I. Collie**
- 21 • **Nicole Collins**
- 22 • **Raymond E. Collins**
- 23 • **Noelia Colon**
- 24 • **Ranin Duran**
- **Germania Duran**
- **Kailynn S. Ferguson**
- **Emil L. Fermin**
- **Guy G. Garner**
- **Ashley Garner**
- **Courtney L. Garner**
- **Victor L. Hall**
- **Heidi Hamilton**
- **Aubrey L. Hamlett**
- **Allen James**
- **Stephanie L. Johnson**
- **Maria Jones**
- **Herbert Jones**
- **Jennifer M. Lee-Powers**
- **Gloria M. Lewinson**
- **James McLeod**
- **Nelson B. Paulino**
- **Mark Pickett**
- **Maurice Pickett**
- **Luisa A. Powers**
- **Lamont Pride**
- **Mary White**
- **Diane Pride**

25 96. Upon information and belief, all such ballots were found among the Bulk Reject Ballots and
26 therefore improperly disqualified.

27 97. Upon information and belief, all such individuals listed voted for McKoy.

28 98. Upon information and belief, Chino Joaquin is the father of Ramon Joaquin, a candidate for
29 election in the Fifth Ward.

1 99. Upon information and belief, Chino Joaquin is also employed and/or working on behalf of the
2 Mendez campaign. Upon information and belief, Joaquin manages Mendez’s entire VBM operation, as well
3 as the operations of all candidates who Mendez supports.

4 100. Upon information and belief, the Mendez campaign distributed an instructional video via Whatsapp
5 that depicted Joaquin completing a ballot on behalf of a voter, Miguel Joaquin-Morillo.

6 101. Upon information and belief, Joaquin-Morillo is a registered voter in the First Ward of Paterson.

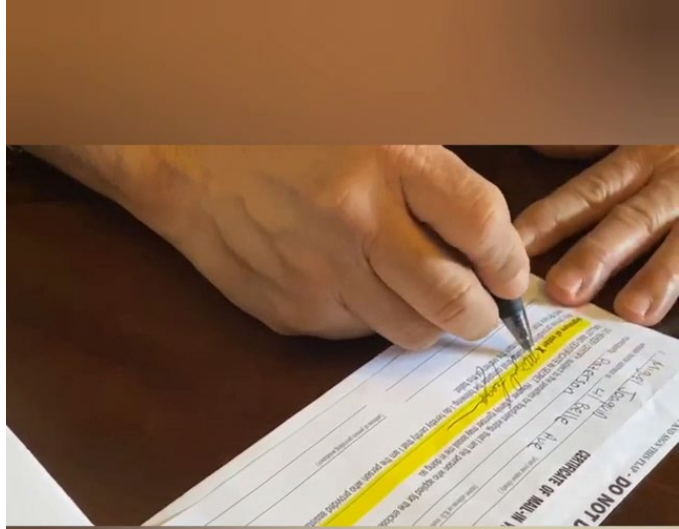
7 102. Upon information and belief, Whatsapp is a free mobile phone app that is popular for sharing
8 photos and videos among international communities.

9 103. In the video, Joaquin is giving a tutorial in Spanish explaining how to vote for Ramon Joaquin in the
10 Fifth Ward, but he is clearly holding a First Ward ballot with a vote for Mosleh Uddin, who had the same
11 ballot position of 2A in the First Ward that Ramon Joaquin had in the Fifth Ward. Joaquin clearly completes
12 the ballot as well as seals the envelope without completing the assistor or bearer portion.



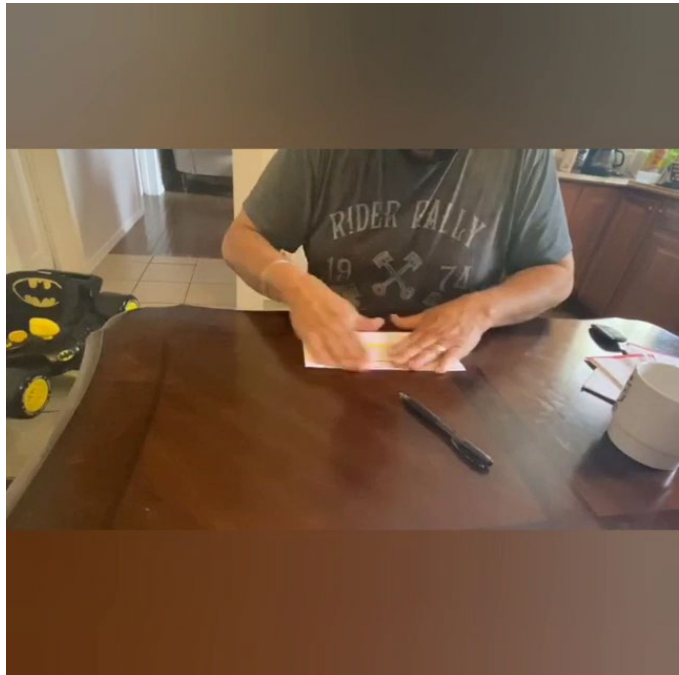
25 Joaquin demonstrates how to complete a ballot.

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4. Tienes que firmar la línea amarilla

Joaquin is shown filling out Miguel Joaquin-Morillo's unsealed ballot
Notable, Joaquin does not complete the assistor certificate



Joaquin then visibly seals the ballot inside the inner-envelope on-camera.

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Finally, Joaquin visibly seals the inner-envelope inside the outer envelope on-camera. Notably, Joaquin does not demonstrate filling out the bearer portion of the ballot.

104. Upon information and belief, the Board of Elections accepted and counted this ballot.

105. Joaquin, as the individual who ran Mendez's VBM program, guided his operations. If he was bold enough to depict himself illegally completing a ballot on behalf of another voter, it is reasonable to assume he did so off-camera as well.

106. Moreover, upon information and belief, at least one individual, YaYa Luis Mendez, has confessed to investigators working on behalf of the NJAG's office to having stolen ballots out of mailboxes, both completed and uncompleted, on behalf of and at the direction of the Mendez campaign.

107. Upon information and belief, Ms. Mendez has been questioned by investigators for her role as well as the role of the Mendez campaign in fraudulently stealing ballots.

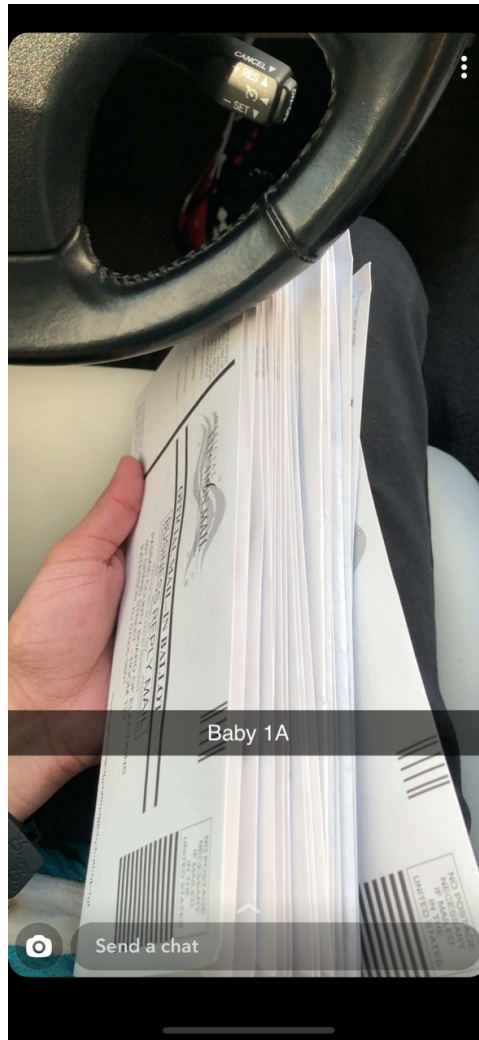
108. Upon information and belief, this is how the Mendez campaign attempted to steal the Election, by stealing completed ballots over the past few years to build up a database of signatures. Additionally, upon further information and belief, the Mendez campaign obtains copies of voter registration and application forms to obtain signatures, as well as by making copies of candidate petitions with voter signatures on them through his multiple runs for office since 2012.

1 109. Once a database of signatures were acquired, the Mendez campaign could, by and through
2 individuals like Ms. Mendez, steal uncompleted ballots, fill them out for the candidate of their choice (such
3 as Mendez and those he supports), and mail them in to the Board of Elections.

4 **110. In other words, it is impossible to know just how many ballots were stolen in this Election.**

5 111. Simply because some ballots were caught does not mean that all were caught. Yet, given the
6 number that were, in fact, rejected, far in excess of the margin in the Election, it seems likely that there
7 were many more of which we will never know for sure.

8 112. To wit: upon information and belief, an individual named Abu Ryazen posted a video and
9 photographs to Snapchat of a stack of ballots.



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1 113. Although Ryazen is speaking Bengali in the video, he indicates they are votes for Shahin Khaliq,
2 a candidate in the Second Ward. It is unclear whether all such ballots are for Khaliq. It is unclear whether
3 Ryazen simply collected the ballots and was unlawfully acting as the bearer of same or whether anyone
4 stole the ballots and fraudulently completed them. In either case, there is substantial evidence that the
5 there are an unknown number of fraudulent or otherwise illegal ballots cast in the election.

6 114. Upon information and belief, the Board of Elections was notified of the video and photographs
7 prior to the ballots being opened on Election Day, however, they either failed or were unable to identify the
8 specific ballots and they were therefore counted.

9 115. As a result, given the number and variety of the ballot discrepancies and issues, far in excess of
10 what is considered typical for Paterson, much less the rest of New Jersey, we will never know for sure who
11 actually won the Election.

12 116. At a minimum, the 552 VBMs discarded as part of the Bulk Reject Ballots, nearly twice the margin
13 of victory in the Election, demonstrate that this was not a free and fair election. Even if all of these ballots
14 were considered individually, we have no way of knowing which ballots, like those of Assemblyman
15 Wimberley, were legitimate, and which ballots were stolen from voters before they could complete them.

16 117. With limited time and limited resources, Petitioner has identified hundreds of ballots that are either
17 fraudulent, were improperly rejected, or were never received by either the voter or by the Board of
18 Elections. There is no reason to believe that all the unlawful ballots have been identified. This is just the tip
19 of the proverbial iceberg and there are surely hundreds, if not thousands, of unlawful ballots that made it
20 through the system and were counted.

21 118. Specifically, 729 ballots from the Third Ward are listed as having arrived at the Board of Elections
22 prior to May 7, 2020, when the Haledon batch of the Bulk Reject Ballots were discovered by the USPS.
23 Prior to that point, upon information and belief, the Board of Elections did not have any reason to be on the
24 lookout for suspect bundled ballots.

25 119. Critically, for each voter whose ballot was unlawfully taken from them and “completed” on their
26 behalf, it represents a two-vote swing: one vote cast improperly for Mendez and another vote that should
27 have gone to McKoy. As such, once Election Day has passed, the Court cannot recreate it.

28 120. It therefore appears that the number of legal votes rejected and illegal votes accepted exceeds
29 the number of votes separating the candidates, and thus are sufficient to change the result of the election.

1 **121. Specifically, Petitioner has identified 308 specific voters who meet the criteria stated above.**

2 122. Additionally, there are another 502 specific voters identified among the Bulk Reject Ballots who
3 reside in the Third Ward. It is possible, if not likely, that there are many other valid ballots included in this
4 group. However, it is possible, if not likely, that there are many which were acquired by voter fraud, and
5 such determination as to which is which cannot ever be completed with any level of satisfaction.

6 123. The Board of Elections, whether through misfeasance or malfeasance, failed to follow and
7 implement the statutory requirements necessary to ensure a fair election.

8 124. As a result of these activities, and other activities that a continuing investigation may disclose, the
9 basic safeguards, protections, and guarantees of a fair election and the full and free expression of the
10 people were denied.

11 125. As a result of these acts and others, legal votes were rejected and illegal votes were counted
12 sufficient in number to change the result of the election, cast a cloud on the election, and raise sufficient
13 factual basis to declare the election void and invalid.

14 126. Petitioner hereby reserves the right to supplement, amend, and plead additional claims as they
15 arise and assert all rights under N.J.S.A. 19:29-5.

16 **WHEREFORE**, the Petitioner respectfully requests that this Court:

17 A. Issue an Order setting a suitable time and place for a hearing to review the objections set forth
18 herein, to commence not more than thirty (30) days after the filing of this Verified Petition;

19 B. Permit the parties, their agents, servants or employees, prior to the date set for hearing in this
20 matter, to review and examine all books, papers, tallies, ballots, applications, envelopes, envelope flaps,
21 signature copy registers, voter books, voting authorizations, messenger books, rejected mail-in ballots and
22 any other election materials, records, reports, receipts or any other documents or election paraphernalia
23 which may be requested provided said examination occur on notice to all interested persons and in the
24 presence of the appropriate official and representatives of Petitioner and/or Respondents;

25 C. Permit the parties, their agents, servants or employees, on five (5) days notice, to take depositions
26 of persons who participated in the election process, served as election officials, or who may otherwise be
27 believed to have knowledge that would lead to relevant information with regard to the matter set forth
28 herein in this petition, and grant the attorneys' authority to issue subpoenas compelling the attendance and
29 testimony of witnesses for depositions and trial;

1 D. Consider, at the hearing, the allegations of the legal votes rejected and illegal votes accepted, the
2 problems with the election process, and such other grounds as pleaded or may be presented at trial and
3 issue a ruling on said allegations;

4 E. Declare, after the hearing, that William McKoy is duly elected; or declare that it cannot be
5 determined with reasonable certainty who received a plurality of the votes cast for the position of Third
6 Ward City Council person for the City of Paterson.

7 F. Enter an Order annulling Respondent's certificate of election pursuant to N.J.S.A. 19:29-9. In the
8 event that Respondent has been sworn into office, remove Respondent from office, and enter an order
9 pursuant to N.J.S.A. 19:3-25, declaring the office vacant pending the holding of a special election for the
10 position of Third Ward City Council person for the City of Paterson.

11 G. Set aside the results of the election for position of Third Ward City Council person for the City of
12 Paterson, declare a vacancy in the position of Third Ward City Council person for the City of Paterson
13 pursuant to N.J.S.A. 19:3-25, and order a special election be held in accordance with N.J.S.A. 40A:16-16;

14 H. Award Petitioner damages, counsel fees, and costs for this application; and

15 I. Grant such other relief as may be just and equitable.

16 **DESIGNATION OF TRIAL COUNSEL**

17 Pursuant to R. 4:5-1(c), Scott D. Salmon, Esq. is hereby designated as trial counsel for Petitioner.

18 **CERTIFICATION PURSUANT TO R. 4:5-1**

19 The undersigned certifies that the matter in controversy is not the subject of any other action pending
20 in any court and is likewise not the subject of any pending arbitration proceeding. I further certify that I
21 have no knowledge of any contemplated action regarding the subject matter of this action and that I am
22 not aware of any parties who should be joined in this action.

23 Dated: June 14, 2020

JARDIM, MEISNER & SUSSER, P.C.

24 /s/ Scott D. Salmon, Esq.
25 Scott D. Salmon, Esq.

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VERIFICATION

I, William McKoy, of full age, do hereby certify as follows:

1. I am a candidate for the position of Third Ward City Council person in the Election, and the Petitioner in the foregoing matter.

2. I have read the contents of the Petition, incorporate same by reference, and state that they are true to the best of my knowledge, information, and belief.

3. I hereby join the above-captioned Petition contesting the results of the May 12, 2020 election for the office of position of Third Ward City Council person.

4. I hereby certify that the foregoing statements made by me in this Petition are true to the best of my knowledge. I am aware that if any such statement is willfully false, I am subject to punishment.

Dated: June 14, 2020

William McKoy