



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. STE 09209-26

**NEW JERSEY REPUBLICAN
STATE COMMITTEE, INC.,**

Petitioner,

v.

LANA LEGUIA,

Respondent.

Jason N. Sena, Esq., for petitioner (Archer & Greiner, P.C., attorneys)

Joseph A. Fortunato, Esq., for respondent (Joseph A. Fortunato Law Office,
attorneys)

Record Closed: June 10, 2026

Decided: June 11, 2026

BEFORE **WILLIAM J. COURTNEY**, ALJ:

STATEMENT OF THE CASE

Respondent Lana Leguia filed a petition with 755 accepted signatures nominating her as an independent candidate for the United States House of Representatives in New Jersey's 7th Congressional District. The issue presented in this case is whether the individuals circulating the nominating petitions for an independent candidate are required to be residents of the State of New Jersey. After adjudication of the objections raised to

her nominating petition, this tribunal found that N.J.S.A. 19:13.7 requires persons circulating nominating petitions for independent candidates to be New Jersey residents. Only one of nine separate books submitted for candidate Lana Leguia were circulated by New Jersey residents. That single book circulated by a New Jersey resident contained only eighty-five (85) signatures and pursuant to N.J.S.A. 19:13-5. independent candidates aiming to appear on the general election ballot for the House of Representatives must have at least 250 signatures for their names to be included.

PROCEDURAL HISTORY

Respondent filed a nominating petition containing a total of 755 signatures with the Department of State, Division of Elections, in Trenton. Petitioner, the New Jersey Republican State Committee, Inc., filed written objections to approximately 670 names on the petition for various reasons. The matter was transmitted by the Department of State, Division of Elections to the Office of Administrative Law on June 8, 2026, as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and 14F-1 to -13. During the hearing, petitioner raised two separate arguments in opposition to the nominating petition. The first argument sought to exclude Books Two through Nine on the basis that the circulators were out-of-state residents, in violation of N.J.S.A. 19:13-7. Both petitioner and respondent requested time to brief the constitutionality of the residency requirement in N.J.S.A. 19:13-7. An expedited briefing schedule was ordered with briefs from both parties to be filed by noon on June 10, 2026. Petitioner's second argument sought to disallow 303 individual signatures for various reasons: (1) the signatory signed the petition twice or also signed another nominating petition for this same election, in violation of N.J.S.A. 19:13-6; (2) the signatory is not a registered voter, in violation of N.J.S.A. 19:13-5; (3) the signatory resides outside of the district, in violation of N.J.S.A. 19:13-5; (4) the endorsement is incomplete, in violation of N.J.S.A. 19:13-6; and (5) the endorsement is illegible. During the hearing, petitioner stipulated that the number of individual signatures challenged in his second argument was insufficient to keep respondent off the general election ballot and agreed to restrict his presentation to the residency issue in the interests of judicial efficiency. A hearing was held on an expedited basis via Zoom on June 9, 2026. On the scheduled date of hearing, all parties were

present via Zoom at the appointed time. Briefs were received on June 10, 2026, and the record closed on that date.

FACTUAL DISCUSSION AND FINDINGS

Respondent submitted nine booklets in connection with her nominating petition. The total number of signatures in all nine booklets was 755 accepted. Petitioner's challenge to 303 individual signatures across all nine booklets, even if successful, would be insufficient to keep respondent from appearing on the general election ballot as the remaining 452 valid signatures would be sufficient pursuant to N.J.S.A. 19:13-5. Books Two through Nine contain a total of 670 signatures. Petitioner's challenge to the validity of Books Two through Nine based on the residency of the circulators would be sufficient to keep respondent from appearing on the general election ballot as the remaining eighty-five (85) valid signatures would not be sufficient pursuant to N.J.S.A. 19:13-5.

Based upon a review of the record, I **FIND** the following as **FACT**:

- (1) Lana Leguia, circulator of Book One of the nominating petition, affirmed her city or town of residence on the Circulator Affidavit as Stanhope, New Jersey.
- (2) Amanda P. Rusha, circulator of Books Two and Three of the nominating petition, affirmed her city or town of residence on the Circulator Affidavit as Bronx, New York.
- (3) Tracie A. Middleton, circulator of Books Four through Six and Nine of the nominating petition, affirmed her city or town of residence on the Circulator Affidavit as Jamaica, New York.
- (4) Elijah T. Mohammed, circulator of Books Seven and Eight of the nominating petition, affirmed his city or town of residence on the Circulator Affidavit as New York, New York.

- (5) Books Two through Nine of the nominating petition were circulated by persons who were not at that time voter eligible in the State of New Jersey, for the reason of state residency.

I **FIND** that Books Two through Nine of the nominating petition, and the 670 signatures contained therein, should be disallowed and excluded from respondent's petition for the legal reasons set forth below.

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 primary elections." Lesniak v. Budzash, 133 N.J. 1, 17 (1993). See also New Jersey Democratic Party, Inc. v. Samson, 175 N.J. 178, 190 (2002). Despite the liberal construction of the election laws, the New Jersey Courts have long recognized that "voting must remain subject to certain conditions" and that the State may reasonably impose conditions "necessary to prevent election fraud and to facilitate administration of the electoral process." Lesniak, 133 N.J. at 7; see also Stevenson v. Gilfert, 13 N.J. 496 (1953); Wene v. Meyner, 13 N.J. 185 (1953).

In furtherance of those purposes, the Legislature has prescribed in N.J.S.A. 19:13-7 that the person who circulates the petition shall (emphasis added):

make oath by affidavit before a duly qualified officer that the petition is made in good faith, that the affiant personally circulated the petition and saw all the signatures made thereto and verily believes that the signers are duly qualified voters. The person who circulates the petition shall not be required to be a registered voter, but shall be voter eligible, which means at least 18 years of age, a resident of this State, a citizen of

the United States, and not otherwise disqualified under the New Jersey Constitution.

Petitioner challenged 670 signatures on the grounds that the three circulators that gathered them were not eligible voters or residents of New Jersey. Respondent argued that the residency requirements of N.J.S.A. 19:13-7 are no longer relevant, based on a federal district court ruling, Arsenault v. Way, where N.J.S.A. 19:23-11, the analogous statute to N.J.S.A. 19:13-7 for primary elections, was “declared unconstitutional in part regarding the residency requirement for nominating petition circulators.” 539 F. Supp. 3d 335, 348–49 (D.N.J. 2021). Petitioner argues that the Arsenault court’s closely transcribed treatment of N.J.S.A. 19:23-11 cannot be analogized to N.J.S.A. 19:13-7 and that respondent’s argument subsequently represents a facial constitutional challenge which is not properly cognizable before this tribunal.

The circulation of petitions has long been recognized as core political speech worthy of constitutional protection. See Meyer v. Grant, 486 U.S. 414, 422 (1988) (“the circulation of a petition involves the type of interactive communication concerning political change that is appropriately described as core political speech”); see also Buckley v. Am. Constitutional Law Found., 525 U.S. 182, 186-7 (1999) (recognizing that petition circulation is “core political speech” for which “First Amendment protection . . . is at its zenith”). Furthermore, respondent is correct in her assertion that the Arsenault court found the residency requirement in N.J.S.A. 19:23-11 unconstitutional for being “unnecessarily restrictive” and unable to “survive strict scrutiny.” 539 F.Supp. 3d at 348. The New Jersey Secretary of State has similarly recognized the applicability of the Arsenault decision to state election law. See Salcedo v. Altman, STE 4941-26, Initial Decision (April 1, 2026), modified, Sec’y of State, (April 1, 2026) (“pursuant to Arsenault, out-of-state individuals must be permitted to act as petition circulators so as to not unconstitutionally violate associational rights of political parties”).

However, the court in Arsenault notably ruled that the “residency requirement does not survive strict scrutiny because it is substantially broader than necessary to achieve the government’s interest, at least with respect to the Plaintiffs in this case.” 539 F.Supp. 3d at 348 (emphasis added). Furthermore, while Arsenault did concern out-of-state

circulators, it is distinguishable from the instant matter because: (1) it reviewed N.J.S.A. 19:23-11 and not N.J.S.A. 19:13-7; and (2) the matter under review was an as-applied, rather than a facial challenge. Id. at 338.

An as-applied constitutional challenge focuses strictly on the unique factual circumstances of the litigant while a facial challenge argues that the challenged statute would not be valid under any set of factual circumstances. See Whirlpool Properties, Inc. v. Director, Div. of Taxation, 208 N.J. 141, n. 12 (2011). Given that the facts in this matter are undisputed and the validity of the residency requirement in N.J.S.A. 19:13-7 does not turn on its specific application, respondent's argument amounts to a facial constitutional challenge – essentially asking this tribunal to declare that statute unconstitutional based on a narrow federal holding reviewing a different statute.

This is simply outside the jurisdiction of the Office of Administrative Law. “The Appellate Division, and not the OAL, is the proper forum in which to challenge . . . facial validity . . . specifically where the matter as here, is purely a question of law.” Wendling v. New Jersey Racing Comm’n, 279 N.J. Super. 477, 484 (quoting Christian Bros. Inst. v. No. N.J. Interschol. League, 86 N.J. 409, 416, (1981)). Further, “in administrative proceedings, petitioners can attack the constitutionality of rules as applied but may not mount facial attacks.” 37 New Jersey Practice, Admin. Law & Practice, § 3.8 (Steven L. Lefelt, Anthony Miragliotta & Patricia Prunty) (2d ed. 2000). Finally, “no administrative agency has jurisdiction to declare a statute unconstitutional.” Stubaus v. Whitman, 339 N.J. Super. 38, 62 (App. Div. 2001) (citing Sanchez v. Dept. of Human Services, 314 N.J. Super. 11, 32 (App. Div. 1998); Student Members of Playcrafters v. Bd. of Ed., 177 N.J. Super 66, 73 (App. Div. 1981)). Without jurisdiction to review respondent's facial constitutional challenge to N.J.S.A. 19:13-7, this tribunal is obligated to apply the plain language of the statute.

While Leguia raises significant and compelling constitutional arguments in defense of her nominating petition, her challenge to the constitutionality of N.J.S.A. 19:13-7 is purely a question of law which should be addressed by the Appellate Division. Without clear guidance from the Appellate Division or the Supreme Court of New Jersey, I must **CONCLUDE** that the OAL is not the proper forum for the consideration of this issue. In

reliance on the plain language of N.J.S.A. 19:13-7, I **CONCLUDE** that the 670 signatures contained in Books Two through Nine must be struck, as the three circulators who gathered them were not residents of New Jersey and therefore not voter eligible as stated in the statute.

A review of the individual signature challenges in this matter demonstrates that resolution thereof would be inconsequential to the outcome and consequently a waste of judicial resources. The distribution of the 303 individually challenged signatures between Book One and Books Two through Nine was not addressed at hearing. Because the above conclusion regarding the 670 signatures in Books Two through Nine brings Leguia below the 250 signatures required by N.J.S.A. 19:13-5, I **CONCLUDE** that, despite the legitimacy of a number of petitioner's concerns, the individual signature challenges are dismissed as moot.¹

Additionally, the 670 signatures that were struck by petitioner's challenge as discussed above bring the total count of remaining valid signatures to eighty-five (85). I, therefore, **CONCLUDE** that the nominating petition of respondent is legally insufficient under N.J.S.A. 19:13-5 because it contains only eighty-five (85) of the requisite 250 signatures.

ORDER

Based upon the foregoing, it is **ORDERED** that respondent's petition be declared invalid and respondent be excluded from the ballot for the 2026 General Election of the United States House of Representatives Member in New Jersey's 7th Congressional District.

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

¹ Were Books Two through Nine not struck, the individual signature challenges raised by petitioner would remain moot as they would be insufficient to bring respondent's number of valid signatures below 250.

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.

June 11, 2026
DATE


WILLIAM J. COURTNEY, ALJ

Date Received at Agency: June 11, 2026

Date Mailed to Parties: June 11, 2026

jb

APPENDIX

WITNESSES

For Petitioner:

Joseph Negron

For Respondent:

None

EXHIBITS IN EVIDENCE

For Petitioner:

- P-1 Public voter profile for petition circulator Amanda P. Rusha
- P-2 Public voter profile for petition circulator Tracie Antionette Middleton
- P-3 Public voter profile for petition circulator Elijah T. Mohammed
- P-4 Direct Nominating Petition offered by respondent Lana Leguia