

Dems for Change Challenge Clerk For Rejecting Candidates Petitions

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Specially Written for The Westfield Leader

REGION – Last Wednesday, April 11, Union County Clerk Joanne Rajoppi threw the Democrats For Change' (DFC) proposed slate of candidates off the June 5 Primary Election ballot after questioning the authenticity of signatures on their nomination petitions.

The DFC candidates are Ana Maria Bercik, an attorney; Carlos Cedena, an Elizabeth councilman, and Babe Darlene Frazier, who is active in the Democratic Party. This slate is supporting Oscar Ocasio's bid to run for the mayor of Elizabeth against longterm incumbent Chris Bollwage, and challenging Freeholder incumbents Al Mirabella of Fanwood and Mohamed Jalloh of Roselle, and attorney Bruce Bergen of Springfield, who are running on the regular Democrats of Union County ticket in place of retiring Freeholder Deborah Scanlon.

According to legal briefs, the petition is required to have 100 valid signatures of county voters of the appropriate party. The petitions must be verified by oath, or other affirmation, by one or more of the signers. The circulator must verify, under oath, that each signer is a member of that party, and has signed his or her own name. Furthermore, the circulator must verify that the petition is prepared in good faith for the purpose of endorsing the candidates named on CONTINUED ON PAGE 12 the petition. The clerk is required to certify the ballot by no later than the close of business day of the 53rd day prior to the date of the Primary Election (June 5). The clerk also is required to draw for ballot position by 3 p.m. on that 53rd day prior to the Primary election. Objections to the petitions must be filed with the clerk no later than the fourth day after the last day for filing petitions. This year that day was April 9.

According to legal briefs, Ms. Rajoppi defended her decision by contending that the petition by the DFC contained 71 invalid signatures and the names of invalid voters. She said that some of the signatures belonged to Republicans and the petition contained duplicate names and fraudulent signatures. She further said that one of the persons circulating the petitions, Fabiola Rios of Elizabeth, was not credible. Union County Counsel Robert Barry advised her in her decision.

She also has relied on the testimony of Dennis Kobitz, an administrator for the Union County Board of Elections, who said that 13 signatures were invalid, and that a number of the signatures seemed to be submitted by the same person. She also relied on Lisa Hugelmayer, the clerk of the Union County Board of Elections. Petitions were supposed to be filed by April 6 in order to be on the ballot. However, because of the Good Friday holiday, the deadline was extended to Monday, April 9. By 4 p.m. Monday, the county clerk notified DFC Campaign Manager Tony Montiero that a challenge had been filed. Hearings were held Tuesday and Wednesday, April 10 and April 11.

DFC attorney Frank Capece objected to the limited time frame for voters to respond to allegations of false or forged signatures. Testimony was taken on both days. By the end of April 11, Ms. Rajoppi had rejected all three DFC freeholder candidate petitions.

The next day, Thursday, April 12, Mr. Capece filed a motion in court to appeal Ms. Rajoppi's decision. Mr. Capece and the DFC objected to the short time frame of the hearings, the "badgering" of Ms. Rios, to whom English is a second language, and the arbitrary act of throwing out all three petitions.

In his appeal, Mr. Capece cited a letter sent to DFC freeholder candidate Ms. Bercik, who is employed as a part-time attorney for the county. The letter, which is dated April 5, 2012, states: "This is to inform you that your candidacy is in violation of the Hatch Act, which restricts persons employed by the state, county, or by a municipal agency, in programs financed by loans or grants from the state or federal government, to run for office in that same jurisdiction. By Monday, April 9, 2012, you must withdraw

your candidacy, with written proof of same, or submit a letter of resignation to the county manager with a copy to me (Union County Clerk). If I do not receive proof of your withdrawal as a candidate or your resignation by April 9, 2012, I will have to suspend your employment, effective Monday, April 16, 2012.

Mr. Monteiro (DFC), a past eightyear Elizabeth City councilman and a former member of the Elizabeth Board of Education, said Ms. Bercik is a part-time county employee and therefore not subject to the Hatch Act.

“We have to jump through rings of fire to get anything done around here,” Mr. Monteiro told The Westfield Leader in commenting on DFC’s efforts efforts to run candidates the past few years.

Oral arguments on both sides, the DFC, and the attorneys for the Regular Democratic Party of Union County, were heard by state Superior Court Judge Lisa F. Chrystal on Monday. Mr. Capece is representing DFC while the Regular Democratic Party candidates’ attorney are Kraig Dowd and Robert Renaud of Cranford. Ms. Rajoppi told The Leader that on Monday, April 16, Judge Chrystal issued a restraining order to her, barring the drawing of positions on the Primary ballot until she has made a decision on the matter, which was expected today. Phone calls to Mr. Barry and to Mr. Renaud were not returned by press deadline.