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DIRECTIVE #27-17

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TO: Assignment Judges
Civil Presiding Judges

FROM: Glenn A. Grant, J.A.D. 

SUBJ: Election-Related Applications – Filing Fees, Docket Numbers, Records

DATE: September 25, 2017

The Conference of Civil Presiding Judges identified disparate handling of election-related applications among the counties as to whether a fee is charged (and, if so, what that fee is), whether a docket number is given, and whether a court file is opened. The Presiding Judges developed the following uniform approach for handling such matters, which approach was approved by the Judicial Council:

For actions that DO NOT implicate an individual's right or ability to vote, whether brought on election day or before election day – The matter should be handled as a regular complaint, with a \$250 fee collected, or, if filed pursuant to R. 4:67, as a verified complaint and Order to Show Cause, with a \$300 fee collected. A docket number should be assigned to the case, all case data should be entered into ACMS, and a case jacket should be created. If such a matter is brought on election day when there may be far fewer staff in the courthouse to process filings, the check should be clipped to the pleadings for processing the next day.

Note: The sole exception to this approach relates to applications for a recount. Pursuant to *Reinhart v. Miller*, 208 N.J. Super. 314 (Law Div. 1985), no fee should be charged for recount applications. Nonetheless, a docket number should be given to recount applications, a case jacket created, and all case data entered into ACMS.

For actions that implicate an individual's right or ability to vote, whether brought on election day or before election day — No fee should be charged, no docket number assigned and no file created; a copy of any order issued should be retained, and the action of the court should be memorialized on the record.

EDITOR'S NOTE

*2017 Update - References to the filing fees have been changed to reflect the updated filing fees pursuant to Rule 1:43.

cc: Chief Justice Stuart Rabner
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