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VIA LAWYER'S SERVICE

New Jersey Election Law Enforcement Commission  
25 South Stockton Street, 5th Floor  
Trenton, New Jersey 08608

& VIA REGULAR MAIL

New Jersey Election Law Enforcement Commission  
P.O. Box 185  
Trenton, New Jersey 08625-0185

**Re: Formal Opposition to Registration of "City of New Brunswick Democrats" as a Joint Candidates Committee; Statutory Non-Compliance Under N.J.S.A. 19:44A-9; Prospective Notice of Withheld Consent Under N.J.S.A. 19:23-17 and N.J.S.A. 19:23-25.1; Demand for Name Change**

To Whom it May Concern:

I represent the New Brunswick Democratic Organization ("NBDO") in the above referenced matter. The NBDO hereby submits this formal opposition to the registration of the joint candidates committee operating under the name "City of New Brunswick Democrats" ("CNBD"). CNBD filed its Form D-2 on February 13<sup>th</sup>, 2026, and its Form DX on February 20<sup>th</sup>, 2026. The NBDO only recently became aware of its existence. The NBDO demands that the Commission deny the CNBD's registration under its current name and require the adoption of a clearly distinguishable name before any registration is approved.

As set forth below, the CNBD's proposed name raises serious legal concerns under multiple provisions of New Jersey election law. First, it directly contravenes the express naming prohibition in N.J.S.A. 19:44A-9, which bars a joint candidates committee using the jurisdiction-and-party naming format from taking the same name as another joint candidates committee or a committee of a political party. Second, while the CNBD has not yet used its name on a nominating petition or ballot designation, N.J.S.A. 19:23-17 and N.J.S.A. 19:23-25.1 prohibit any such future use without the written consent of the NBDO as an incorporated association of this State. The NBDO uses this letter to place its express withholding of that consent on the record before this Commission now, so that the Commission and all relevant election officials are on notice should the CNBD attempt to use this name on any petition, ballot slogan, or ballot designation in the future. Third, the proposed name creates a dual and compounding risk of donor and voter confusion: between the CNBD and the NBDO as organizations, and between the CNBD's campaign account and the NBDO's own prior joint candidates committee accounts registered with this Commission under the name "New Brunswick Democrats." The N.J.S.A. 19:44A-9 violation is current and independently sufficient to require denial of registration. The

19:23 consent issue, while prospective, is appropriately placed on the record at this stage to prevent future harm.

**I. BACKGROUND: THE NBDO, ITS ORGANIZATIONAL IDENTITY, AND ITS ESTABLISHED JOINT CANDIDATES COMMITTEE ACCOUNTS**

The New Brunswick Democratic Organization is the recognized Democratic municipal committee of the City of New Brunswick, Middlesex County, New Jersey, organized pursuant to N.J.S.A. 19:5-2. The NBDO is an incorporated association of this State within the meaning of N.J.S.A. 19:23-17.

In connection with its municipal electoral activities, the NBDO has sponsored and operated joint candidates committees under the name "New Brunswick Democrats" across consecutive election cycles, specifically:

1. "New Brunswick Democrats 2022", a joint candidates committee registered with ELEC for the 2022 New Brunswick Primary and General municipal election cycles; and
2. "New Brunswick Democrats 2024", a joint candidates committee registered with ELEC for the 2024 New Brunswick Primary and General municipal election cycles.
3. "New Brunswick Democrats 2026", a joint candidates committee registered with ELEC for the 2026 New Brunswick Primary municipal election cycle (See Form D2 filed on February 23<sup>rd</sup>, 2026 attached hereto as Exhibit A).

All three accounts were registered with and reported to this Commission as joint candidates committees pursuant to N.J.S.A. 19:44A-9(a). Through this continuous and documented use across multiple election cycles, the name "New Brunswick Democrats" has become established in the Commission's own public records as the identifying name of the NBDO's joint candidates committee operations. It is widely recognized by voters, candidates, and donors in New Brunswick as the electoral vehicle of the official Democratic municipal organization.

**II. THE CNBD'S PROPOSED NAME VIOLATES N.J.S.A. 19:44A-9**

The CNBD is organized as a joint candidates committee governed by N.J.S.A. 19:44A-9(a). That statute permits a joint candidates committee to use a jurisdiction-and-party naming format, identifying the municipality and party affiliation rather than candidate surnames, but expressly conditions use of that format on the committee not taking the same name as any committee of a political party or another joint candidates committee.

The CNBD's proposed name, "City of New Brunswick Democrats," employs exactly the jurisdiction-and-party format: it identifies the municipality (City of New Brunswick) and the party (Democrats) without including any candidate surnames. Having elected to use this format, the CNBD is expressly subject to the statute's prohibition.

That prohibition is violated on two independent grounds. First, "City of New Brunswick Democrats" is the same as, or so nearly identical as to be indistinguishable from, the NBDO's previously and current registered joint candidates committee accounts: "New Brunswick

Democrats 2022", "New Brunswick Democrats 2024", and "New Brunswick Democrats 2026". The proposed name incorporates the identical dominant phrase "New Brunswick Democrats" verbatim. The addition of the word "City" and the omission of a year designation do not constitute meaningful differentiation; the statute prohibits a name that is the same as another joint candidates committee, and this prohibition must be read to encompass names that are so nearly identical as to be indistinguishable to a donor, voter, or Commission reviewer. Second, the New Brunswick Democratic Organization is the recognized Democratic political party municipal committee of New Brunswick. A name that identifies itself as the "City of New Brunswick Democrats" is indistinguishable from a name for the Democratic party committee of that city, placing the proposed name in conflict with both applicable prongs of the N.J.S.A. 19:44A-9 prohibition.

**III. PROSPECTIVE NOTICE: THE CNBD'S FUTURE USE OF THIS NAME ON PETITIONS OR BALLOT DESIGNATIONS WOULD REQUIRE, AND IS HEREBY DENIED, THE NBDO'S WRITTEN CONSENT UNDER N.J.S.A. 19:23-17 AND N.J.S.A. 19:23-25.1**

The CNBD has not, to the NBDO's knowledge, yet used the name "City of New Brunswick Democrats" on any nominating petition or primary ballot designation. Accordingly, no violation of N.J.S.A. 19:23-17 or N.J.S.A. 19:23-25.1 has yet occurred with respect to ballot use of this name. However, it is appropriate and necessary to place the NBDO's withholding of consent on the record before this Commission at this stage, so that the Commission and all relevant election officials are on notice of the NBDO's position before any such use is attempted.

N.J.S.A. 19:23-17(b)(1) provides that no ballot slogan or endorsement on a petition of nomination shall include or refer to the name of any incorporated association existing at the time the candidate files the petition unless the written consent of that incorporated association has been filed with the petition. N.J.S.A. 19:23-25.1 reinforces this requirement at the ballot printing stage, providing that no designation or slogan shall be printed on any primary election ballot that refers to the name of any incorporated association unless such written consent has been filed.

The New Brunswick Democratic Organization is an incorporated association of this State within the meaning of both statutes. Should the CNBD proceed to file nominating petitions or seek to have its name or any substantially similar designation printed on a primary ballot, that name (which includes and refers to "New Brunswick Democrats", the NBDO's own established public-facing identity and the name under which it has operated registered joint candidates committee accounts with this Commission) would trigger the consent requirements of both statutes.

The NBDO hereby formally and affirmatively withholds such consent. The NBDO has not authorized, endorsed, approved, or affiliated with the City of New Brunswick Democrats or any of its candidates, and it does not consent to the use of its organizational name or identity, including the phrase "New Brunswick Democrats", in connection with the CNBD's petitions, ballot designations, or any other electoral activities. This withholding of consent is formal, affirmative, on the record before this Commission, and intended to serve as notice to all election officials who may receive any future petition or designation filed by the CNBD using this name.

The Third Circuit upheld the validity and constitutionality of New Jersey's consent requirements in Mazo v. New Jersey Secretary of State, 54 F.4th 124 (3d Cir. 2022). The Court applied the Anderson-Burdick balancing test and held that New Jersey's interests in ensuring election integrity and preventing voter confusion outweigh any burden the consent requirement imposes, affirming that these statutes are fully enforceable. The NBDO's prospective withholding of consent under N.J.S.A. 19:23-17 and N.J.S.A. 19:23-25.1 is therefore legally operative and, if the CNBD proceeds to use this name on petitions or ballot designations without obtaining that consent, will provide an independent statutory basis to reject any such petition or designation.

#### **IV. THE DUAL RISK OF DONOR AND VOTER CONFUSION**

##### **A. Confusion at the Organizational Level**

The CNBD's proposed name creates a substantial likelihood of confusion between the CNBD and the NBDO as organizations. The name "City of New Brunswick Democrats" so closely mirrors the identity of the New Brunswick Democratic Organization, the recognized Democratic municipal committee of New Brunswick, that voters, donors, and political stakeholders could reasonably conclude that the CNBD is the official Democratic municipal committee, or that it operates with the authorization or affiliation of the NBDO. The addition of the word "City" before "New Brunswick Democrats" does not resolve this confusion; it may amplify it by suggesting that the CNBD is the primary, municipality-wide Democratic body, which is precisely the identity the NBDO holds.

##### **B. Confusion at the Joint Candidates Committee Account Level**

The risk of confusion is further compounded at the campaign account level, where it becomes both concrete and measurable. Donors, volunteers, and voters who are familiar with the NBDO's prior and current registered accounts, "New Brunswick Democrats 2022", "New Brunswick Democrats 2024" and "New Brunswick Democrats 2026", will encounter the CNBD account name "City of New Brunswick Democrats" in ELEC's public disclosure database and have no reliable basis for distinguishing between them. Both names share the same dominant phrase, identify the same municipality, and carry the same partisan designation.

This creates a specific and immediate risk of misdirected contributions. A donor intending to support the NBDO's joint candidates committee, based on familiarity with "New Brunswick Democrats," may instead contribute to the CNBD. Conversely, a donor misled by the CNBD's name into believing it is the official Democratic municipal ticket may contribute to the CNBD under the false belief that they are supporting the recognized NBDO slate. Either outcome represents a failure of the campaign finance disclosure system that this Commission administers.

##### **C. Confusion in ELEC's Public Disclosure Database**

ELEC's public-facing disclosure database is the primary mechanism through which voters, journalists, and the public track political contributions and expenditures in New Jersey elections. When multiple accounts with nearly identical names ("New Brunswick Democrats 2022", "New Brunswick Democrats 2024", "New Brunswick Democrats 2026" and "City of New Brunswick Democrats") appear in that database in succession or simultaneously, users of

the database will be unable to reliably attribute contributions and expenditures to the correct organization. This undermines the foundational transparency purpose of New Jersey's Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., and compromises the public record of New Brunswick's municipal election finance.

## **V. ADDITIONAL LEGAL AUTHORITY**

### **A. The Commission's Authority Under the New Jersey Campaign Contributions and Expenditures Reporting Act**

The Commission is vested with broad authority under N.J.S.A. 19:44A-1 et seq. to administer and enforce New Jersey's campaign finance laws in a manner that promotes transparency and prevents voter and donor confusion. This authority encompasses the power to reject or condition registrations that would undermine the Act's disclosure purposes. The Commission need not look beyond N.J.S.A. 19:44A-9's plain language to find authority to deny this registration: the statute expressly prohibits a joint candidates committee using the jurisdiction-and-party naming format from taking the same name as another joint candidates committee or a party committee, which is precisely what the CNBD seeks to do.

### **D. Constitutional Recognition of the State's Interest in Preventing Voter Confusion**

The United States Supreme Court has consistently recognized the prevention of voter and donor confusion as a compelling state interest justifying reasonable electoral regulations. In Timmons v. Twin Cities Area New Party, 520 U.S. 351, 364 (1997), the Court upheld state election regulations premised on the State's legitimate interests in avoiding voter confusion and preserving electoral integrity. In Burdick v. Takushi, 504 U.S. 428, 433 (1992), the Court established a framework under which such regulations are evaluated with appropriate deference. The Third Circuit's decision in Mazo v. New Jersey Secretary of State, 54 F.4th 124 (3d Cir. 2022), applied this framework directly to New Jersey's ballot consent statutes and affirmed that the State's interests in election integrity and preventing voter confusion justify the consent requirements at issue here.

### **E. The Lanham Act and False Association**

The proposed name also implicates Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), which prohibits the use of any name or designation likely to cause confusion as to the affiliation, connection, association, sponsorship, or approval of one organization by another. By adopting a name that reproduces the NBDO's established public-facing identity verbatim as its dominant element, and operating in the same municipality and political space, the CNBD creates exactly the false association the statute prohibits. Voters, donors, and the public could reasonably conclude that communications and solicitations from the CNBD are authorized by, originate from, or are affiliated with the NBDO when that is not the case.

### **F. The Third Circuit Likelihood-of-Confusion Analysis**

Under the multi-factor likelihood-of-confusion test of the Third Circuit, as articulated in Interpace Corp. v. Lapp, Inc., 721 F.2d 460 (3d Cir. 1983), all relevant factors favor the NBDO. The NBDO's "New Brunswick Democrats" identity is strong and documented through multiple registered JCC accounts in this Commission's own records. The proposed CNBD name reproduces the NBDO's dominant phrase verbatim. Both organizations operate in identical

political and geographic territory. The relevant audience, municipal donors and voters, is particularly susceptible to confusion by near-identical organizational names in a local election context. The Third Circuit has held that when competing activities are identical and the dominant name elements are the same, likelihood of confusion is presumed. See A&H Sportswear, Inc. v. Victoria's Secret Stores, Inc., 237 F.3d 198 (3d Cir. 2000).

## **VI. SPECIFIC DEMANDS**

For all the foregoing reasons, the New Brunswick Democratic Organization respectfully demands that the Commission:

1. Deny the CNBD's registration under the name "City of New Brunswick Democrats" as a name that violates the express prohibition in N.J.S.A. 19:44A-9 against a joint candidates committee using the jurisdiction-and-party naming format taking the same name as another joint candidates committee or a political party committee;
2. Find that "City of New Brunswick Democrats" is the same as, or confusingly similar to, the NBDO's previously and currently registered joint candidates committee accounts "New Brunswick Democrats 2022", "New Brunswick Democrats 2024", and "New Brunswick Democrats 2026", and that registration under this name is therefore impermissible under N.J.S.A. 19:44A-9;
3. Take notice that the NBDO is an incorporated association of this State and hereby formally and affirmatively withholds its consent, pursuant to N.J.S.A. 19:23-17(b)(1) and N.J.S.A. 19:23-25.1, to any future use by the CNBD of the name "City of New Brunswick Democrats," the phrase "New Brunswick Democrats," or any substantially similar designation on any nominating petition, ballot slogan, or ballot designation; and transmit notice of this withheld consent to all relevant election officials so that no such petition or designation may be approved without the NBDO's written consent, which is here denied;
4. Issue a directive requiring the CNBD to adopt a name that: (a) does not incorporate the phrase "New Brunswick Democrats"; (b) is clearly distinguishable from the name of the New Brunswick Democratic Organization; and (c) is not likely to be confused with any of the NBDO's prior or future joint candidates committee accounts;
5. Condition any future registration approval upon the CNBD's adoption of a compliant, clearly distinguishable name reviewed and approved by the Commission; and
6. Provide the New Brunswick Democratic Organization with written notice of all proceedings, submissions, and Commission actions related to the CNBD's registration application, and afford the NBDO an opportunity to be heard prior to any final action.

## **VII. CONCLUSION**

This opposition rests on a convergence of specific statutory provisions, not merely general principles of voter protection. N.J.S.A. 19:44A-9 expressly bars the CNBD, as a joint candidates committee using the jurisdiction-and-party naming format, from taking the same name as the NBDO's established joint candidates committee accounts or as the name of the NBDO as a party committee, a current and independently sufficient ground for denial of

registration. N.J.S.A. 19:23-17 and N.J.S.A. 19:23-25.1 have not yet been violated, as the CNBD has not used this name on a petition or ballot designation, but this letter places the NBDO's withholding of consent formally on the record so that the Commission and all election officials are on notice that any future attempt to do so will be legally deficient from the moment it is filed. And the cumulative confusion that would result, at the organizational level, the campaign account level, and within the Commission's own disclosure database, directly undermines the transparency and accountability that the New Jersey Campaign Contributions and Expenditures Reporting Act exists to ensure.

The Third Circuit has affirmed, in Mazo v. New Jersey Secretary of State, 54 F.4th 124 (3d Cir. 2022), that New Jersey's interest in election integrity and the prevention of voter confusion fully justifies enforcement of these requirements. The Commission should exercise its authority to enforce them here.

The NBDO respectfully requests that the Commission treat this letter as a formal objection on the record, deny the CNBD's registration under its current name, and require the adoption of a clearly distinguishable name. The NBDO is available to appear before the Commission, provide supplemental documentation, or submit further briefing at the Commission's request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rajvir S. Goomer', with a long horizontal flourish extending to the right.

RAJVIR S. GOOMER

cc: City of New Brunswick Democrats