

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

March 23, 2023

SENT VIA EMAIL AND U.S. MAIL:

Feedback@sos.nj.gov

Tahesha Way, Esq.
Secretary of State
P.O. Box 300
Trenton, NJ 08625

Re: Unconstitutional Religious Oath

Dear Secretary Way:

I am writing on behalf of the Freedom From Religion Foundation (FFRF). FFRF is a national nonprofit organization with more than 39,000 members, including more than 750 members in New Jersey. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We write to address the unconstitutional religious oath that candidates for office must sign to be placed on a ballot. When the Division of Elections was contacted regarding an alternative to the religious wording, we were informed that the Division did not allow for an alternative to “[s]o help me God” because this was required by state statute. Even though the form¹ and statute in question, N.J.S.A. 41: 1-1, suggests parenthetically that an affirmation is allowed to replace the religious oath, the Division’s reply seemingly contradicts that such an alternative practically exists. The Division recommended contacting the attorney general or the legislature to change the statutory requirement.

We enclose a letter sent to the attorney general explaining the unconstitutionality of a religious requirement for office. To this date, we have not received a response. As Secretary of State, you are the chief election official for the State of New Jersey and, as such, you are the official with the authority to correct this constitutional violation. We believe that the person contacted at the Division of Elections misunderstands the statutory requirement and the necessary availability of a secular alternative. We ask that an alternative form without the religious wording be provided or that the form explicitly allow for the religious wording to be omitted or struck. Candidates must not be forced to choose between either signing a religious oath they do not believe or not running for office.

Thank you for your time and we look forward to your response.

¹ <https://www.state.nj.us/state/elections/assets/pdf/candidate/2023-general-election-petition-state-senate.pdf>. The required oath of allegiance is on page 14.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen M. Heineman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen M. Heineman
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure