

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

Civil Action No. 3:24-cv-01098

**NOTICE OF MOTION FOR
LEAVE TO FILE A BRIEF AS
AMICUS CURIAE**

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that proposed *amicus curiae* Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla hereby applies to this Court, before the Honorable Zahid N. Quraishi, United States District Judge at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey, for an order granting leave to file the attached *amicus curiae* brief in support of Plaintiffs' motion for preliminary injunction;

PLEASE TAKE FURTHER NOTICE that, in support of this motion, the *amicus* relies upon the accompanying brief;

PLEASE TAKE FURTHER NOTICE that a copy of the proposed *Amicus Curiae* brief is attached hereto.

Dated: March 12, 2024

Respectfully Submitted,

/s/ Angelo Stio

Angelo A. Stio III (ID: 014791997)

Robert A. Jenkin II (ID: 321032020)

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Joe Cohn, Staci Berger, James

Solomon, Valerie Vainieri Huttle,

and Ravi Bhalla

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Defendants.

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**BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

-and-

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As Interested Parties.

PRELIMINARY STATEMENT

Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla hereby moves for leave to file an *amicus curiae* brief in support of Plaintiffs' motion for preliminary injunction. *See* Plaintiffs' Brief in Support of Motion for Preliminary Injunction (the "Motion"), ECF No. 5.

ARGUMENT

This Court has broad discretion to permit *amici curiae* to participate in pending cases. *United States v. Alkaabi*, 223 F. Supp. 2d 583, 592 (D.N.J. 2002); *see also Washington Gas & Light Co. v. Prince George's Cnty. Council*, No. 08-0967, 2012 U.S. Dist. LEXIS 31798, at *9 (D. Md. Mar. 9, 2012) ("District court . . . have discretion whether to grant or deny such leave and often look for guidance to Rule 29 of the Federal Rules of Appellate Procedure."). Rule 29 provides that motions for leave to file *amicus* briefs must state "the movant's interest," as well as "the reason why an *amicus* brief is desirable and why the matters asserted are relevant to the disposition of the case." Fed. R. App. P. 29(b). The Third Circuit has explained that "it is preferable to err on the side of granting leave" so that court will not "be deprived of a resource that might have been of assistance." *Neonatology Assocs., P.A. v. Comm'r of Internal Revenue*, 293 F.3d 128, 133 (3d Cir. 2002); *Newark Branch, NAACP v. Town of Harrison*, 940 F.2d 792, 808 (3d Cir. 1991) (holding that *amicus* briefs "insur[e] a complete and plenary presentation of

difficult issues so that the court may reach a proper decision.”) (quoting *Alexander v. Hall*, 64 F.R.D. 152, 155 (D.S.C. 1974)). Courts consider the following factors in deciding whether to grant *amicus* status: “whether (1) the amicus has a ‘special interest’ in the particular case; (2) the amicus’ interest is nor represented competently or at all in the case; (3) the proffered information is timely and useful; and (4) the amicus is not partial to a particular outcome in the case.”

Bernard v. Cosby, No. 21-18566, 2022 U.S. Dist. LEXIS 143476, at *3 (D.N.J. Aug. 11, 2022).

The *amicus* and their proposed *amicus* brief satisfy those requirements.

Amicus Curiae are all individuals who all have firsthand experience running, planning to run, or currently running in primary campaigns throughout the State of New Jersey providing them special interest in constitutionality of “county line” (hereinafter, “Line”) system voting. The proposed *amicus* brief would be helpful to the Court by providing firsthand experience on the harms Plaintiffs’ allege the use of “county line” (hereinafter, the “Line”) system for primary balloting including the negative Line effects of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and/or “forced association” described in Plaintiffs’ Motion. *See* Plaintiffs’ Brief in Support of Motion for Preliminary Injunction (the “Motion”), ECF No. 5-1 at 6-12. Negative effects which the three Plaintiffs in the litigation have not all personally experienced and which at least one of the *amicus*, Mr. Joseph Cohn has experienced in the last month.

None of the *amicus* are submitting this brief as sign of endorsement or disapproval to any of the parties to the litigation. The *amicus* pursuit in this case is a single one: ensuring fair and democratic primaries throughout the State of New Jersey.

CONCLUSION

Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla
respectfully asks to file the attached *amicus* brief.

Dated: March 12, 2024

Respectfully Submitted,

/s/ Angelo Stio

Angelo A. Stio III (ID: 014791997)

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Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

[PROPOSED] ORDER

THIS MATTER, having been open to the Court on the Motion of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla, by counsel, for entry of an Order granting Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla to appear and participate as *amicus curiae*; and all parties, by counsel, having received due notice of the motion and having the opportunity to be heard; and the Court having reviewed all papers and arguments relevant to the motion;

IT IS on this ___ day of March, 2024,

ORDERED that Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla's motion be and hereby **GRANTED**.

IT IS FURTHER ORDERED that Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla be and hereby is granted leave to appear and participate as *amicus curiae* in this case.

IT IS FURTHER ORDERED that Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla's proposed *amicus* brief attached to the Notice of Motion shall hereby be deemed filed.

Hon. Zahid N. Quraishi
United States District Judge

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As Interested Parties.

**AMICUS CURIAE BRIEF OF JOE COHN, STACI BERGER, JAMES SOLOMON,
VALERIE VAINIERI HUTTLE, AND RAVI BHALLA IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

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Solomon, Valerie Vainieri Huttle,
and Ravi Bhalla*

INTEREST OF AMICUS CURIAE

The *amicus curiae* on this brief have each run, contemplated running, and/or are currently running for office in Democratic Party primaries across the State of New Jersey. As such, they have each had direct experience with the “county line” (hereinafter, “Line”) system at issue in this case. As described below and supported by the attached Declarations of each *amicus*, their experiences tie directly to the specific factual allegations in Plaintiffs’ Motion for Preliminary Injunction. *See* Plaintiffs’ Brief in Support of Motion for Preliminary Injunction (the “Motion”), ECF No. 5. In particular, they have each encountered the negative Line effects of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and/or “forced association” described in Plaintiffs’ Motion. *See* Motion at 6-12. The *amici* do not submit this brief as an endorsement or signal the disapproval of any of the parties to this litigation. The sole interest of the *amici* is ensuring that New Jersey primary elections be, and be perceived as, fair and democratic.

BIOGRAPHICAL BACKGROUND

Joe Cohn is currently a candidate for the Democratic party nomination for the Third Congressional District of New Jersey. *See* Declaration of Joe Cohn in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Cohn Decl.”) ¶ 1.

Staci Berger is currently serving her second term as a member of the Middlesex County Democratic Organization representing Piscataway’s Ward 3, District 9. *See* Declaration of Staci Berger in Support of *Amicus* Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Berger Decl.”)

¶ 4. Ms. Berger has twice been a candidate for a Ward Council seat on the Piscataway Township Council. *Id.* ¶¶ 8, 14.

James Solomon is a Jersey City Councilmember. *See* Declaration of James Solomon in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Solomon Decl.”) ¶ 1. In 2020 and 2023, Mr. Solomon campaigned for candidates in the Democratic primaries for Hudson County. *Id.* ¶ 2.

Valerie Vainieri Huttle served in the State Assembly for over fifteen (15) years as the Assemblywoman for District 37. *See* Declaration of Valerie Vainieri Huttle in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Huttle Decl.”) ¶ 2. Elected 2005, and holding the seat through 2020, Ms. Huttle worked to get landmark bills passed and served in various leadership positions including Deputy Speaker of the Assembly. *Id.* ¶¶ 2-6. In 2021, Ms. Huttle competed in the Democratic Primary for State Senate. *Id.* ¶ 7.

Ravi Bhalla is currently serving as Mayor of Hoboken and has previously served as a Hoboken Councilmember for two terms. *See* Declaration of Ravi Bhalla in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Bhalla Decl.”) ¶¶ 1-2. In 2015, Mr. Bhalla explored a run for the State Assembly. *Id.* ¶ 2.

ARGUMENT

Each of the *amici*, through their involvement in Democratic primaries as detailed above, has firsthand experience with the negative Line effects of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for

the same office/Ballot Siberia,” and/or “forced association” as described in Plaintiffs’ Motion. Motion at 6-12.

- Mr. Cohn is currently experiencing the “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and “forced association” as he continues his primary campaign for State Assembly. Cohn Decl. ¶¶ 26-28. His Declaration describes his recent attempts to work within the Line system; his unsuccessful attempt to obtain the Line in Monmouth County due to very late changes to the application process that precluded even his consideration by that county’s Democratic Party Committee; his unsuccessful attempt to obtain the Line in Mercer County due to actions and omissions of that county’s Democratic Party Committee; and the resulting costs in time and money he has experienced. *Id.* ¶¶ 4-28.
- Ms. Berger experienced the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and “forced association” during both of her candidacies for Ward Council seat on the Piscataway Township Council. *See* Berger Decl. ¶¶ 8-17. In her first election, Ms. Berger was faced with “forced association” when she was made to choose whether or not to run on a “bracket” with a candidate for the State Senate competing with Senator Menendez or to run as a disadvantaged “unbracketed candidate.” *Id.* ¶¶ 11-12. When she decided against the association, finding it antithetical to her campaign, she suffered from being placed in “Ballot Siberia” with a full column gap between her and the candidate placed on the Line. *Id.* As a result, she lost the election to a candidate who benefited from the “weight of the line” which

- contained U.S. Senator Menendez and U.S. Congressman Frank Pallone. *Id.* In her second election, Ms. Berger lost to a new candidate who been recruited by the Piscataway Democratic Organization and who benefited from the “primacy effect” of being listed first on the ballot. *Id.* ¶¶ 14-16.
- Mr. Solomon has personally seen how the “weight of the Line,” the “primacy effect,” and the “disadvantage for unbracketed candidates,” effects Democratic primaries and the advantage gained by the candidates award the Line. *See* Solomon Decl. ¶ 1. During his campaigning for candidates in Hudson County in the 2020 and 2023 Democratic primaries, Mr. Solomon was continually told by voters that the Line caused them to believe that only those candidates on the Line were Democrats and that any candidate not appearing on the Line was running as a Republican or Independent. *Id.* ¶ 2.
 - Ms. Huttle suffered the negative effects of the “weight of the Line,” the “primacy effect,” and the “disadvantage for unbracketed candidates,” during her 2021 campaign for State Senate. *See* Huttle Decl. ¶ 7. When the Committee Chair for the Democratic Committee of Bergen County, who is the *de facto* selector of which candidates get the line in Bergen County, choose to place Ms. Huttle’s competitor on the Line, she was forced to secure bracketing with other candidates to avoid Ballot Siberia. *Id.* ¶¶ 9-10. She further found herself having to battle against the ballot which gave the inaccurate impression that she was not associated with the Governor, and forced her to spend additional time and resources to clarify that she did in fact support all of the Democratic candidates on the line save her opponent in the primary. *Id.* Ms. Huttle also heard firsthand the confusion caused to voters who could not find her on

the ballot or did not understand what her not being on the Line said about her candidacy. *Id.* ¶ 11.

- Mr. Bhalla personally experienced the chilling effect of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” has on candidates seeking to enter into a Democratic Primary. In 2015, Mr. Bhalla explored a run for the State Assembly. *See* Bhalla Decl. ¶ 2. However, Mr. Bhalla choose not to pursue this candidacy once it became apparent that the Hudson County Democratic Organization would not place him on the Line. Mr. Bhalla understood that not being placed on the Line represented a death knell to his candidacy before it even began in earnest. *Id.* ¶ 3.

In addition to witnessing the chilling effects of the Line system in primary elections, *amici* Mr. Solomon and Mr. Bhalla provide their personal experiences with block voting as a simple alternative. *See* Solomon Decl. ¶ 6-8; Bhalla Decl. ¶ 4. Both *amici* explain how in both Hoboken and Jersey City municipal elections, the use of block voting provides an ample alternative to the Line protecting the candidates against the negative externalities of the Line system and providing legitimacy at a time when cynicism about our elections is at an all-time high.

CONCLUSION

The *amicus curiea* respectfully submits this brief in support of Plaintiffs’ motion for preliminary injunction.

Respectfully Submitted,

/s/ Matt H. Adler

Matt H. Adler (ID: 011991994)

Angelo A. Stio III (ID: 014791997)

Robert A. Jenkin II (ID: 321032020)

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As Interested Parties.

DECLARATION OF JOE COHN IN SUPPORT OF AMICUS CURIAE BRIEF OF JOSEPH COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

JOSEPH COHN hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I reside at 61 Fenimore Road, Lumberton, New Jersey. I am presently a candidate for Congress, specifically, for the Democratic nomination for the Third Congressional District of New Jersey.

2. I have direct and recent experience with the harmful effect that the “county line” system (hereinafter, the “Line”) causes candidates, voters, and the New Jersey public in general. I describe that experience below:

3. Additionally, while I do not offer here a legal opinion, I am a member of the Bars of the State of New Jersey and Pennsylvania. My legal experience includes, but is not limited to, working as a lawyer with particular First Amendment experience and expertise at the AIDS Law Project of Pennsylvania, at the American Civil Liberties Union (“ACLU”) affiliates in Nevada and Utah, and at the Foundation for Individual Rights and Expression (FIRE).

4. The Third Congressional District includes parts of three counties: Monmouth County, Mercer County and Burlington County. Data provided by plaintiffs in this lawsuit, demonstrates the significant disadvantage candidates who are not placed on the “Line” face as a result.

5. On January 17, 2024, I entered the race for the Third Congressional District of New Jersey. The next day, I contacted the Democratic Party Committee for all three counties to

discuss the process of competing for the county party's endorsement in the primary election.

David Brown, II, Chairman of the Monmouth County Committee, responded to me the same day and offered to meet by telephone on January 22nd. The telephone call on January 22nd went very well and concluded with a promising tone.

6. In less than an hour after the meeting concluded, Chairman Brown from the Monmouth County Committee called me back and informed me that I could not be considered for the endorsement, which would have included placement on the Line because I was too late. Specifically, Chairman Brown told me that one month prior to my joining the race, the Monmouth County Committee adopted a new rule requiring primary candidates to submit a form by January 19, 2024, the business day before the committee scheduled the meeting with me, to be considered for placement on the Line. I was further informed that the rule would be enforced to my detriment even though I had reached out to the committee prior to the deadline and the Monmouth County Committee failed to inform me of the form requirement or that its deadline was both fast approaching and would occur before the meeting they scheduled with me.

7. Chairman Brown advised me that he would allow me to participate at the convention, but only if my opponents in the race agreed to waive the deadline. I reached out to both of my opponents to request that they join me in waiving the deadline, but I did not hear back from either before the convention and thus was barred from participating and competing for the party endorsement.

8. The Monmouth County Committee's obstacles to entry into the race and placement on the Line are just one example of the hoops county committees arbitrarily impose on candidates solely to be *considered* for Line position. Notably, even if the candidate successfully navigates

all of the hoops, the decision of whether they are placed on the Line is still ultimately decided by the committee members.

9. As I had done with the Monmouth County Committee, my campaign team and I also reached out to the Mercer County Democratic Committee on several instances to introduce myself and to discuss the process of competing for the Mercer County Committee's endorsement. Our initial emails were all ignored. On the Committee's website we found a document that stated, "Anyone wishing to be considered for endorsement for office should send me a Letter of Interest by February 10 to demchairperson@mercerdemocrats.com, expressing your interest, all of your contact information (name, home address, email, phone numbers) and relevant information about yourself, your background & experience and your candidacy."

10. The document then stated, "The MCDC Bylaws can be accessed at tinyurl.com/MCDC-Bylaws." There was no indication in the document that the bylaws contained any additional requirements for consideration.

11. On February 10, at 2:41PM, I sent an email with my Letter of Interest to demchairperson@mercerdemocrats.com expressing my interest in being considered for the endorsement. *See Attachment A.*

12. Despite having sent my letter to the correct email address in a timely manner, my campaign was informed on Tuesday, March 4, that I was not on the Committee's ballot for consideration at the convention scheduled for Monday, March 11.

13. I sent a letter by email to Chairperson Janice Mironov advising her that I submitted my materials in compliance with all of the requirements, attached a PDF printout of the records proving the email was sent to the proper address within the deadline, and asking her to "please

advise me as to why I am currently being excluded from consideration on the ballot and whether and how you will be remedying this situation.”

14. On March 6, Chairperson Mironov replied by email: “Respectfully, I never received your letter below. I both searched my emails and went specifically to the date you stated it was sent, and have found nothing. Respectfully, every candidate who contacted me for any office received an immediate reply, “Received letter. Thank you,” then their qualifications were reviewed by the MCDC Convention Committee, and thereafter they would have received several additional informational communications. Respectfully, until recently I never would have known even who you are. Again, I did not receive your cited communication, accordingly could not have responded, and regretfully you did not reach out in any manner to confirm receipt or further communicate. Having said all that, you are still welcome to attend our MCDC endorsement convention on March 11 and to participate — in accordance with MCDC rules; you will need to provide to me as quickly as possible the names of Voting Delegates to Nominate and to Second you. I can separately forward to you candidate informational email. I will wait to hear from you.”

15. I replied by email, “Thank you for your quick reply. I always assume that people are operating in good faith and appreciate that you were unable to locate my email in your inbox. However, the records I forwarded (and I am reattaching now) demonstrate unquestionably that I personally emailed the letter within the deadline. Perhaps it got caught up in your spam filter, but regardless, I have followed each rule that was set forth to a ‘T.’”

16. Chairperson Mironov replied at 4:02PM the following day, “Joe Cohn, To reiterate, I did not receive your letter and already have addressed that matter — so kindly move on. Please be further informed that the requirement for a Delegate Nominator and Secunder applies to all

candidates; it is not special to you and you would need to be compliant with MCDC rules. Let me know your intentions.”

17. I secured delegates to nominate and second my nomination on March 9, and promptly communicated as much to the Chairperson. In my email to her, I wrote, “Thank you so much for the clarification, for your assistance, and patience. I have secured delegates to nominate and second my candidacy. I know that you must have a ton on your plate in advance of the convention. When you have a moment, please advise me as to the format of the proceedings on Monday. For example, what are the time limitations on remarks? I know we got off on the wrong foot, but I am deeply appreciative of your help.”

18. The next morning, Chairperson Mironov responded, “Ok, so again please provide the Names of your Nominator and Secunder. I will then forward separately the candidate information email. Thank you.”

19. I sent the names of the delegates to Chairperson Mironov, less than half an hour after she requested them from me in her prior email.

20. It was only after I sent her the names of the delegates nominating and seconding my nomination that Chairperson Mironov finally sent me information regarding the convention’s procedures. It was in that email that I was informed that those candidates who have been nominated and seconded would get two—and only two—minutes to address the delegates prior to their vote. This time limitation is designed to make familiarity and not qualifications the prime consideration for delegates. *See Attachment B.*

21. Things did not improve when I attended the convention. Moments before the convention was called to order, I became aware that my name was not printed on the convention ballot. Nor was there a spot for write in votes.

22. During the opening moments of the convention a committee member told the voting audience that the committee reviewed all of the letters of interest that were submitted on time, approved of each one, and that my three opponents were the only candidates who submitted timely letters of interest. The committee member—referring to me—said there was a fourth candidate who is expected to be nominated from the floor. The committee falsely gave the voters the impression that I was unable to follow directions and was disorganized, despite the fact that I had met all of the committee’s requirements.

23. After my three opponents spoke, a committee member told the voting delegates that having concluded hearing from the three candidates on the ballot, I was now invited to address the convention. Delegates were never given any instructions on how to cast a vote for me. I subsequently earned no votes at the convention.

24. Even if the Mercer County Democratic Committee had followed its rules, the power of the Line, and each county committees’ complete control over it, has created a system in which the candidate must prioritize their time and resources in securing the support of committees’ members, and complying with each committees’ varying rules and processes for consideration, over outreach to the voters in the general public who are supposed to be the priority stakeholder.

25. Moreover, for new and unestablished candidates like myself, who often have the lowest amounts of time and resources to spare, this process may act as a complete barrier to entry. If the candidate knows that they cannot afford the costs associated with researching and complying with each committee’s rules and processes, or knows that the committee will only support already established candidates, the candidate is less likely to join the race because they know they will not have an opportunity to appear on the Line and that their absence from the Line can be fatal to their campaign.

26. The line system, and the bracketing process that it involves, also forces candidates like me who have not won the line in a particular county to make a crucial decision: bracket with candidates you might not support or be placed in “Ballot Siberia.” In Burlington County, Monmouth County, and now Mercer County, Representative Andy Kim and Assemblyman Herb Conaway won the party line, which will mean that they will be bracketed together on the ballot. When they step into the voting booth, the ballot will imply to voters that Conaway and Kim are a team. Other candidates who might also support Andy Kim, must now choose between associating with a candidate they don’t wish to support, or appearing on the ballot in a manner that makes them appear like a loner. Neither option is fair or democratic, and both implicate my First Amendment right to freedom of association.

27. Because New Jersey has closed primaries where only members of a political party may participate in the primary and a sore loser law that prevents a candidate who fails in the primary from running independently in the general, the results of the primary determine not only who will represent the candidate’s party, but also whether the candidate will ever get a chance to compete for cross-over votes from independents and registered voters of other parties who might find his candidacy compelling. Allowing party leadership to use the Line to engineer preferred results, therefore deprives the electorate from considering candidates with broader appeal.

28. When combined with the closed primary process and the sore loser law, the Line becomes more than a process for a political party to choose its champion but has become a process for party insiders to maintain undemocratic control over the electoral process.

Executed on March 11, 2024



Joseph Cohn

Exhibit A



Joe Cohn <jc@joecohnforcongress.com>

Letter of Interest

2 messages

Joe Cohn <jc@joecohnforcongress.com>
To: demchairperson@mercercrats.com

Sat, Feb 10, 2024 at 2:41 PM



Dear Chairperson Mironov,

I hope this email finds you well. I am writing to formally submit my letter of interest requesting that the Mercer County Democratic Party consider endorsing me for the office of the United States House of Representatives in New Jersey's Third Congressional District.

I've attached a PDF of my letter of interest, and pasted the text of that letter below for your convenience.

Thank you so much for your attention to my request. I look forward to meeting you and hopefully to working with you the days and years to come.

Many thanks,

Joe Cohn
Candidate
New Jersey Third Congressional District

February 10, 2024

Joseph Cohn
61 Fenimore Road

Dear Mercer County Democratic Party,

I'm writing because I wish to be considered for endorsement for the office of United States House of Representatives in New Jersey's Third Congressional District. I am running because I believe that New Jersey's Third Congressional District needs a representative that has a proven track record of meaningfully improving the lives of everyone. I have done that all over the country in my 20-year career as a civil rights attorney.

Throughout my career working across the United States, I witnessed just how divided our nation is, and how our polarization is placing our democracy in real danger. I can make a positive impact because I have a proven track record of working productively with Democrats, Republicans, and Independents alike.

My education, experience, my positions, and my priorities all make the right choice to represent the New Jersey Third Congressional District.

I grew up in Nevada where I attended public schools. After graduating cum laude from the University of Nevada at Las Vegas, I moved to Philadelphia where I earned my law degree from the University of Pennsylvania School of Law and my Masters in Government Administration from its Fels Institute of Government in 2004.

I have worked relentlessly to advance the rights of all people. As a lawyer for the AIDS Law Project of Pennsylvania, I fought to keep roofs over the heads of those with HIV and AIDS. In private practice, I fought for victims of employment discrimination and for families with loved ones killed by shocking negligence in nursing homes. As a volunteer lawyer, I represented asylum seekers looking to America for a life free from political violence. Serving as the legal director at two ACLU affiliates, I defended the rights of street performers, environmentalists, Occupy Salt Lake City activists, LGBTQ students, and prisoners who were gassed in their cells.

For the last dozen years, through my work at FIRE, I have defended the free speech rights of people on every part of the political spectrum. I have secured big victories against those who would forbid students and professors from discussing racial equality in college classrooms. I've successfully worked to defeat legislation that would have outlawed conversations in states that have banned abortion about where women could obtain abortions lawfully. In 2022, I led a successful campaign to get a Republican Governor to use a line-item veto on legislation that would have banned colleges from hosting pro-choice speakers. And last year, I was instrumental in defeating a Ron DeSantis backed bill in Florida that would have weakened the rights of journalists. In all of these examples, the math was not on my side. Republicans had the votes to ram their bills through, but we were successful in persuading them to stand down. My accomplishments advancing Democratic values in red states demonstrates that I can be successful in Washington, where Republicans have real power. I am the only candidate in this race with a record of success against Republicans in the majority.

A central reason why I am running to represent the Third Congressional District in Washington is because I know that we must go beyond our divisions to move our country forward and I will work tirelessly to do so. I reject the belief that our neighbors can be separated into "good vs evil," based on their voter registration and will focus on ways that we can work together to solve real problems that affect our communities. There is more that we have in common as Americans than what separates us. To cut through the polarization and fix our broken politics, we need representatives in Congress who make building a coalition of the reasonable their top priority.

Until we can work together, we will not be able to enact lasting legislation that drives down the costs of prescription drugs, helps Americans save for retirement, makes higher education more affordable, protects the environment, or secures other legislative priorities.

I am honored to be considered for your endorsement. I look forward to working with you in the months and years ahead, and I hope to proudly represent you and all of the people of New Jersey's Third Congressional District in Congress.

Thank you again for your consideration.

Respectfully,

Joseph Cohn



Cohn Letter to Mercer Cty Dem Party 021024.pdf

132K

Joe Cohn <jc@joecohnforcongress.com>

Tue, Mar 5, 2024 at 11:33 AM



[Quoted text hidden]



Cohn Letter to Mercer Cty Dem Party 021024.pdf

132K

Exhibit B



Joe Cohn <jc@joecohnforcongress.com>

MCDC COUNTY CONVENTION -- Monday, March 11, 2024. CANDIDATE INFORMATION

3 messages

JANICE MIRONOV <ewdems07@aol.com>
To: Joe Cohn <jc@joecohnforcongress.com>

Sun, Mar 10, 2024 at 12:19 PM

for your information and use

From: JANICE MIRONOV <ewdems07@aol.com>
Date: March 8, 2024 at 7:16:54 PM EST
To: demchairperson@mercerdemocrats.com
Cc: Kevin Kuchinski <kuchkd@gmail.com>, Jason Salvatore <jsalvatoremcdc@gmail.com>
Subject: MCDC COUNTY CONVENTION -- Monday, March 11, 2024. CANDIDATE INFORMATION

March 7, 2024

Additional Candidate Information:

- There will be Floor Credentials for each Candidate and one Staffer and as noted reserved seating in the front row. If this applies to you, please provide Staffer name. Other staffers can attend but must sit in the Non-Voting area in the back.
- There will be an Out of County registration table for candidates.
- MCDC will do no zooming or streaming of the event, and no filming video taping or recording is permitted. Photographs are fine.
- Press is permitted in the Non-Voting area. For any outreaches or questions, Chairwoman Mironov is the contact.
- Each campaign, as was noted, is entitled to one observer during vote counting; MCDC requests that this person be a Delegate but will not require that be the case.

Please let me know if you have further questions. Thank you for your cooperation.

Mayor Janice Mironov
Chair, Mercer County Democratic Committee

March 3, 2024

REMINDER: Please provide Nominator & Seconder information (if not already done).

Additional Candidate Information:

- The MCDC Convention is for the noticed business of endorsing Candidates.

- There will be reserved seating for Candidates in the front row.
- Only Candidates and Delegates are permitted in the main voting floor area.
- Each Candidate will be entitled to one Delegate present as observer during vote counting. Please provide Name if you wish to have observer.
- No tabling.
- No petitions circulating.
- No campaigning, campaign material distribution in Convention areas.
- No posting of signs

Please let me know if you have any questions. We appreciate your kind cooperation and look forward to a successful professional orderly event on March 11!

Mayor Janice S. Mironov
Chair, Mercer County Democratic Committee

February 25, 2024

**TO: MERCER COUNTY CANDIDATES
FOR U.S. SENATE
FOR CONGRESS DISTRICT 3
FOR CONGRESS DISTRICT 12**

RE: MCDC MARCH 11!CONVENTION

The MCDC Convention Committee met, reviewed delegate lists, and candidates who had submitted letters of interest, and the general rules and procedures for the MCDC March 11 Endorsement Convention.

1. The Convention Committee passed favorably on the qualifications of the individuals who submitted Letters of Interest:

For U.S. Senate
Patricia Campos-Medina
Lawrence Hamm
Andy Kim, Congressman
Tammy Murphy

For Congress District 3
Herb Conaway, Jr., Assemblyman

Carol Murphy, Assemblywoman
Sarah Schoengood

For Congress District 12
Bonnie Watson Coleman, Congresswoman
Daniel Dart

2. Each candidate must be **nominated** and **seconded** by a **qualified voting delegate**. Please note that the Nominator will be limited to *a single sentence*, and the Seconder will be limited to “*I Second [candidate name]*”. Nominations and Seconds will be made from the floor.

Please submit as soon as possible, but no later than Wednesday, March 6, by 4 p.m. the names of your nominator and seconder — include their name and municipality.

3. Each candidate will have a **maximum** of two minutes to speak. We will have a timer and, respectfully, you will be *stopped* at two minutes.

4. The MCDL Convention will gavel to order promptly at 6:15 p.m.

If you have any questions, please feel welcome to reach out to me. Good luck.

Mayor Janice S. Mironov
Chair, Mercer County Democratic Committee

Joe Cohn <jc@joecohnforcongress.com>
To: JANICE MIRONOV <ewdems07@aol.com>

Sun, Mar 10, 2024 at 8:51 PM

Thank you again. My deputy campaign manager Ryan Irving, Jr. will be joining me.

Thanks again,

Joe Cohn
Candidate

New Jersey Third Congressional District

[Quoted text hidden]

Joe Cohn <jc@joecohnforcongress.com>

Mon, Mar 11, 2024 at 3:14 PM

To: Ryan Irving <ryan@joecohnforcongress.com>, Matt Krayton <mkrayton@publics.com>, Henry de Koninck <hdekoninck@publics.com>

[Quoted text hidden]

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as

Civil Action No. 3:24-cv-01098

Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

DECLARATION OF STACI BERGER IN SUPPORT OF AMICUS CURIAE BRIEF OF JOE COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

STACI BERGER hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I reside at 233 Ellis Parkway, Piscataway, New Jersey. I am a lifelong member of the Democratic Party and I am deeply involved in the Township of Piscataway community.

2. I served two years as PTO president for our intermediate elementary school and served on the PTO Board for our middle school. I helped bring the American Cancer Society's Relay for Life to Piscataway in 2016, am a friend of the Piscataway Library and a member of the Board of Education's Climate, Culture and Community Relations committee.

3. I helped launch the Piscataway Progressive Democratic Organization and currently serve as the chair of this Organization.

4. I am serving my second term as a member of the Middlesex County Democratic Organization (MCDO), representing Piscataway's Ward 3, District 9 (which was previously Ward 3, District 2 until it was gerrymandered in 2022).

5. Based on my experience in the community, establishing the Piscataway Progressive Democratic Organization and serving as a member of the MCDO, I have extensive personal knowledge of Democratic primaries in Middlesex County.

6. In addition, I have extensive knowledge about politics in general. I hold a B.A. in Political Science and a Masters in Political Affairs and Policy, both from Rutgers University.

7. In my experience and in each of the elections I have participated in, the “county line” system (hereinafter, the “Line”) has confused voters and suppressed votes for candidates not backed by the party organization. I provide the specific facts below.

8. I first ran for a Ward Council seat on the Township Council in 2018, after learning that a warehouse was being built at the edge of our residential neighborhood. State law required me to collect 25 signatures from Democratic voters in my ward to be placed on the ballot.

9. I participated in the candidate screening for the Line from the Piscataway Democratic Organization (PDO), which awards the municipal line with approval from the MCDO chair. I received 4 votes from the PDO, made up of 78 elected members and at least five super-delegates. I was not awarded the Line and had to decide whether and how to get in the ballot draw for better position or risk ending up in “ballot Siberia.”

10. In order to participate in the ballot draw and be competitive for ballot position, I would have needed to bracket with a candidate for the U.S. Senate in the Democratic primary. U.S. Senator Bob Menendez was on the ballot and had been awarded the MCDO Line.

11. If I wanted to be in the ballot draw and contest for better placement in one of the columns on the ballot with a candidate who shared my values, I would have had to recruit a candidate for U.S. Senate and use our grassroots campaign to secure at least 1,000 valid signatures to place that candidate on the ballot, simply for the purpose of bracketing (compared to the 25 valid signatures I needed to be on the ballot myself). Such an undertaking would have distracted from our very local campaign which was focused on transparency and accountability at the municipal level. Thus, I chose not to pursue that route and ran without a pivot candidate for the ballot draw and ended up in ballot Siberia.

12. I was placed in Column D by the County Clerk. The incumbent I was challenging appeared in the MCDO Column, which was headed by Sen. Menendez, and included U.S. Congressman Frank Pallone. I appeared alone to the right of them, with a full space between the incumbent I was running against and me. I lost the election by 160 votes, 814-655.

13. Voters later told me they were unable to find me “on the line with the Democrats.” Other voters attested they did not think they could vote for me, even though they saw my name in Column D, because they wanted to vote for Congressman Pallone too, and didn’t think they could vote for candidates who were not in the same column. Even though I was extremely competitive in the actual Primary, the Line design of the ballot meant I was not given a fair chance to compete. The preferential ballot placement given to my opponent had a detrimental effect on my candidacy and on the voters’ ability to vote for their preferred candidate.

14. In 2022, I ran once more for the same Ward Council seat. I once again screened for the Line and was defeated by a new candidate who had been recruited by the Piscataway Democratic Organization to replace the incumbent I had previously challenged (he declined to run for re-election). I received four votes in the PDO screening and, again, had to decide whether to try to form a Line to be in the ballot draw.

15. As a grassroots candidate with no Party support, this put me at a significant disadvantage forcing me to spend time and resources just to participate in the ballot draw in attempt to avoid being in Ballot Siberia again. None of that would have been necessary if New Jersey simply had an office block ballot, like every other state does, which would provide predictability and certainty to candidates and voters alike.

16. I lost that election by 25 votes. Again, voters told me they were not sure if they were allowed to vote for me because I was not under the "Democrats' column." Other voters told me they "vote down the column" and assumed I was on it because I am a Democrat. The Line conferred significant support for a candidate who was virtually unknown and had never been involved in the local Democratic Party at all. I received 706 votes to her 730 votes, and I am confident that if we had a fair ballot and fair election, I would have won that race.

17. The ballot design using the Line deprives candidates and voters of a fair election, as well as the chance to more fully reflect the diversity of our Party and our community. It undemocratically favors candidates favored by the established members of our Party and presents those candidates with an advantage gained by the confusion the ballot causes voters. Bloc voting, as opposed to the Line, is a simple and easy solution which will allow voters intent above all to select who represents their party in the general election.

Executed on March 11, 2024


Staci Berger

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

Civil Action No. 3:24-cv-01098

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

**DECLARATION OF JAMES SOLOMON IN SUPPORT OF AMICUS CURIAE BRIEF
OF JOE COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND
RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

JAMES SOLOMON hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I reside at 349 4th St Apt 1 Jersey City, New Jersey. As a Jersey City Councilmember and elected official in Hudson County, I have firsthand experience with how the “county line” (hereinafter, the “Line”) system has been weaponized to depress voter turnout, discourage competitive elections, and enshrine preferential ballot placement for hand-picked candidates of party bosses. I describe that experience below.

2. In 2020 and 2023, I campaigned on behalf of candidates in the Democratic Party primaries in Hudson County. As part of my campaigning, I spent extensive time knocking on doors and speaking with voters about the then upcoming primaries. During those conversations, voters consistently expressed to me their belief that the party endorsed candidates who were placed on the Line, were the only Democratic candidates running for office, and that any candidate not appearing on the Line was running as an Independent or Republican. These conversations made it apparent that the ballot design, which is endorsed and circulated by the Hudson County Clerk, generated widespread confusion for the voters, and that the Line had a distinct impact on actual votes.

3. In addition to my experiences campaigning, as a member of the Democratic party in Hudson County, I have experienced how the Hudson County Democratic Organization

(HDCO) will wield its power over the Line in an unfair and undemocratic manner. In 2022, Robert Menendez Jr. was de facto awarded the Hudson County Line for the 8th Congressional District *prior* to his declaration of candidacy. He was awarded the Line because he was endorsed by the then party Chairwoman Amy DeGise - the only person who determines who is awarded the county endorsement according to the HCDO's bylaws.

4. The HDCO's decision to award the Line to Mr. Menendez was not just a win for him; it was the ultimate barrier to entry for other Democrats seeking to run for that open Congressional seat. At the time, I spoke with numerous credible challengers who cited the HDCO's decision as the core factor in their decision not to run for the seat.

5. I witnessed similar backroom dealings by the HDCO in 2020. During the 2020 primary election, when the prospect of a strong progressive ticket led by Sen. Bernie Sanders emerged, then HCDO Chairwoman DeGise floated the idea of decoupling the presidential primary ballot from the line. As reported by the New Jersey Globe, "Democratic county chair Amy DeGise is prepared to hold an open presidential primary, if Sanders agrees to not bracket with a slate of nine progressive freeholder candidates", this maneuver would have preserved the benefits of the Line for state, county, and locally endorsed candidates. Of course, once Sen. Sanders dropped out, the idea of an open primary for the presidential primary was forgotten.

6. In contrast to the broken and undemocratic Line system I describe above, I have experience with how elections in New Jersey can be handled in a more transparent and "small-d" democratic manner. I owe my elected office as a Jersey City councilman to the absence of the Line in Jersey City's municipal elections. While candidates may run on tickets with each other and receive support from party organizations in the elections, the ballot design is fair and not designed to cause confusion among the voters. Rather than a Line, each position is grouped as

its own block and the ballot order is determined by random drawing. In this way, candidates can associate with whatever other candidates they may wish to associate, and the party organization can endorse whoever it wants, without the voter being confused as a result.

7. As a candidate running explicitly as a reformer against the local power structure, I would have never received the party's endorsement to appear on the Line. I won my election by 247 votes - a 5% margin - that certainly would have been dwarfed by the advantage received by the candidates who would have been on the Line.

8. Having experienced both forms of the ballot, I can see no legitimate reason why the State cannot adopt the Jersey City method.

Executed on March 11, 2024


James Solomon

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

Civil Action No. 3:24-cv-01098

As Interested Parties.

DECLARATION OF VALERIE VAINIERI HUTTLE IN SUPPORT OF AMICUS CURIAE BRIEF OF JOE COHN, STACI BERGER, JAMES SOLOMON, VALERIE VAINIERI HUTTLE, AND RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

VALERIE VAINIERI HUTTLE hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I reside at 485 Highview Road, Englewood New Jersey. I submit this Declaration to provide my experiences with the "county line" (hereinafter, the "Line") system. I do not submit this brief to endorse or signal my disapproval of any of the parties to the litigation.

2. My first experience into politics was in 1997, as a newcomer I ran for State Senate in District 38 on the Democratic line against a career type of politician. The district was a Republican district, I lost that year, however, came fairly close and made a name for myself. I decided to run in 2000 for Bergen County Freeholder aka "Commissioner" I won and served two terms as Freeholder and was elected the first female Chair of the Board. In 2005, I decided to seek the Assembly in District 37, after overcoming a challenge in the Democratic convention, I won. Thereafter, I won every subsequent election until my last race in 2021, when I ran off the Line for State Senate.

3. I am incredibly proud of my time in the Assembly and the legislative accomplishments that accompanied it. I served under three governors (Democrat and Republican) and authored major landmark bills including the Anti Bullying Bill of Rights, the Human Trafficking Protection Prevention and Treatment Act, I led the Legislature in enacting

long-term care reform in the wake of Covid 19 and spearheaded the passage of several landmark laws in support of LGBTQ equality.

4. I was honored by the Newark *Star Ledger* several times in recognizing me as one of the most effective legislators in the state and saying, “When it comes to making New Jersey Laws, Valerie Vainieri Huttel has had her name on top of more bills signed into law than any other lawmaker.” See attached **Exhibit A**.

5. During my tenure, I served in Leadership positions as the Deputy Speaker of the Assembly; Chair of Human Services Committee, Chair of Assembly Aging and Senior Services Committee; Chair of Homeland Security Committee; Vice Chair of Transportation Committee Vice Chair of Labor Committee, Vice Chair of Appropriations Committee, Vice Chair of Consumer Affairs and created the Assembly Bipartisan Women’s Caucus serving as Co-Chair. I was also a member of the Gaming, Tourism and Arts committee.

6. In addition, I was appointed as a Member on the New Jersey -Israel Commission; New Jersey State Interagency Coordinating Council, a forum to improve resources and services for families and infants and toddlers with disabilities; Special Investigatory Committee aka Bridgegate, and Ex-Officio Member of the New Jersey Council of the Arts.

7. In 2021, I announced that I would seek the District 37 State Senate seat in Bergen County. As part of my campaigning, I sought to be bracketed with the Democratic Party on the primary ballot by the Democratic Committee of Bergen County. In Bergen County, the Committee Chair is the *de facto* selector of which candidates will be placed on the Line. Unfortunately, the Committee Chair had decided to back the Democratic candidate I was competing with, which all but ensured I would not be on the Line.

8. While my decision was made to run off the line, I was honored and fortunate to receive the endorsements from many of the largest and leading organizations in the State including: CWA, SEIU, HPAE, NJ TENANTS ORGANIZATION EMILYS LIST, NOW, PAMS LIST, ASSOCIATION OF SOCIAL WORKERS, SIERRA CLUB, NJ CITIZEN ACTION, GARDEN STATE EQUALITY, WOMENS POLITICAL CAUCUS, WORKING FAMILIES, BLUE WAVE, LUPE PAC, AND MAKE THE ROAD NJ. However, the challenges remained to win off the line.

9. Without being placed on the Line, I faced the potential of being placed on Ballot Siberia unless I could find other candidates to be bracketed with. By “Ballot Siberia”, I mean that I faced the possibility of being listed on the ballot in a column which was separated by the column containing the Line candidates by blank spaces. To avoid this outcome, I was required, at my own expense, time, expenditures, and resources, to seek out other candidates with whom to bracket. Ultimately, I was able to find three other candidates to bracket with – a county clerk who was the former local mayor, and two council members who sought assembly positions – and so was able to avoid Ballot Siberia. By losing the Line but still having to work in a system that uses it, my position on the ballot suggested to voters that I was not associated with the Governor although I was a major supporter. This meant that when I did voter outreach, I directed voters to vote for the Governor, and then directed them to switch over to vote for me in a different column. It also meant that I necessarily was not able to bracket with a Governor, which is the highest-level official on the top of the ticket, and which drives voters to simply vote down the line. See attached **Exhibit A**.

10. In addition to the time and expense involved in the effort to bracket, my inability to appear on the Line required the expenditure of significantly more expenses for advertising. I

was forced to design advertisements informing voters of my location on the ballot, that I was running as a Democrat, and that I still endorsed all of the other Democratic candidates who appeared on the line but who I was deprived of being able to associate with (with the exception of the candidate I was running against).

11. Despite these expenses, I still spoke with voters after the election, including good friends, who stated that they could not find me on the ballot, that they did not understand that I was not listed on the Line, or did not understand they could vote for me and other candidates who were listed in the Line. I have seen firsthand how the Line contributes to voter confusion. These individuals sought to vote for the Gubernatorial candidate of their choice and thought that by voting “Column A” they also voted for me.

12. Ultimately, I lost that race. This was the consequence of having to compete against the primary weight of the Line, lack of association with high level candidates such as the Governor with whom I supported in that race, and the electoral disadvantage, and political cost, of persisting off the Line. The political cost that I suffered and continue to suffer is due to my refusal to drop out of the race and stay in the Assembly and run on the Line. My continuation of my campaign for State Senate meant that I would be further ostracized by my party peers, despite my longstanding commitment to successful public service and party leadership locally and statewide. The truth is, that many people are afraid to speak out against the Line or to offer an independent voice for fear of retaliation – they might lose the Line, or they may lose any patronage position they might have. For my part, I consistently voted the way my constituents wanted me to; I was not going to be bossed. And I have suffered the political consequences as a result, to the extent of effectively going into retirement due to the brokenness of the system. I am tired of fighting, and yet, I am not unique. Time and time again, I have witnessed what has

happened to good faith candidates, and strong elected leaders, who like me, refuse to be bossed. Simply put, the Line is not only bad for the health of a robust political party, but it is bad for democracy. The joke I would hear from county chairs is “*I can get Mickey Mouse elected if he was on the Line.*” I guess it could be true. Good people who represent the conscience and will of their constituencies, and who demonstrate strong public leadership, should be on-board and engaged, not ignored, or retired. NJ can and should be a leader in expanding pathways to democracy, not limiting them.

13. I take no position in this litigation in support of any of the candidates and put my trust in the voters. I simply submit this Declaration in furtherance of my direct experiences regarding the fundamental undemocratic nature of the primary ballot design. New Jersey’s county-line system is simply not democratic.

Executed on March 12, 2024



Valerie Vainieri Huttle

Exhibit A

Real Democrats.

Supported by real people.

Valerie Vainieri Huttle
for State Senate
Gervonn Romney Rice and
Lauren Kohn Dayton
for Assembly



Democratic Demócrata / 민주당 COLUMN 1 / COLUMNNA 1 / 칼럼 1	Democratic Demócrata / 민주당 COLUMN 2 / COLUMNNA 2 / 칼럼 2
DEMOCRATIC COMMITTEE OF BERGEN COUNTY PHILIP MURPHY	
FOR STATE SENATE >>>	REAL BERGEN DEMOCRATS VALERIE VAINIERI HUTTLE
FOR MEMBERS OF THE GENERAL ASSEMBLY >>>	REAL BERGEN DEMOCRATS GERVONN C. ROMNEY-RICE
	REAL BERGEN DEMOCRATS LAUREN M. K. DAYTON

**Democratic Primary
June 8.
VOTE COLUMN 2.**

Paid For By Friends of Valerie Vainieri Huttle for Senate
P.O. Box 8078
Englewood, NJ 07631
P37-21-A7
www.ValerieForSenate.com

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The Star-Ledger

“When it comes to making New Jersey laws, Valerie Vainieri Huttle has had her name on top of more bills signed into law than any other lawmaker.”

Valerie is always here for us. That's why we are here for Valerie.

Champion for women's rights, disability rights, and LGBTQ rights.

Supporting working families, healthcare workers, and tenants.

Environmental leader and fighting for racial justice and immigration reform.



Valerie has so much support that this represents only a small sample of the organizations that support her.

“A record is about more than how you vote, it's about who you fight for. You can't be just a vote, you have to be a voice – and I will be your voice in the State Senate.”



Valerie Vainieri



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

Civil Action No. 3:24-cv-01098

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as

Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

**DECLARATION OF RAVI BHALLA IN SUPPORT OF AMICUS CURIAE BRIEF OF
JOE COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND RAVI
BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

RAVI BHALLA hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I am Ravi Bhalla. I reside at (837 Garden St, Hoboken, NJ 07030), New Jersey. I am the Mayor of Hoboken and provide this certification to provide the Court with my experiences with "county line" (hereinafter, "Line") balloting as well as the alternative balloting used in Hoboken municipal elections. I have direct and recent experience with the use of the Line and its detrimental effects on open and fair primary elections. I describe that experience below.

2. In 2015, I explored a run for the State Assembly. As part of this consideration, I sought to be placed on the Line for Hudson County from the Hudson County Democratic Organization (HCDO). The HCDO does not hold a convention where local Democrats hear speeches from the candidates and then vote on which ones will receive its endorsement. Instead, the decision as to which candidates will be placed on the Line is controlled by a few party insiders who hold power and make the determination behind closed doors with no public process. Despite this hidden and undemocratic approach, the HCDO's decision appears on the official ballot circulated by the County Clerk. This is a direct migration of a *private* (that is, the Party organization) decision then being incorporated entirely into a *public* (that is, the primary election ballot) document and process.

3. As I continued my exploration campaign, there came a time where it became apparent that I would not be able to secure the endorsement of the HCDO and would not be placed on the Line. In Hudson County, the inability to appear on the Line represents a death knell for a candidate's primary campaign. As such, because I was unable to secure a position on the Line, I ended my candidacy. The result was that because a handful of party insiders had made a far from transparent decision regarding the Line, the Democratic Party primary voters as a whole were deprived of a say in whether I should represent them in a general election. Ultimately, in Hudson County, one of our state's most vibrant, diverse, and economically impactful counties, our democratic process is antidemocratic.

4. By sharp contrast and equally direct personal experience, in Hoboken, we have non-partisan elections in which ballot position is selected randomly. And even if one gets a preferred position such as the first listing, it does not represent a meaningful advantage. Having personally run in three competitive, citywide elections in [2009, 2013, and 2017] - two for council and one for mayor respectively - I found this to be a fair method of practicing democracy. The random selection of placement levels the playing field and eliminates obstacles to entry for new candidates with fresh ideas and a willingness to serve in public office. The open nature of the process also inspires greater public confidence because it avoids preferred treatment to friends or individuals that contribute to the county organizations. It also adds needed legitimacy to this local method of electing city leaders at a time when cynicism about our elections is at an all-time high.

Executed on March 11, 2024


Ravi Bhalla

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

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CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk;

Civil Action No. 3:24-cv-01098

CERTIFICATE OF SERVICE

and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

I hereby certify that I electronically filed Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla's Notice of Motion for Leave to File Brief as *Amicus Curiae* and attached Memorandum of Law in Support of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttle, and Ravi Bhalla's Motion for Leave to File as *Amicus Curiae*, proposed brief as *Amicus Curiae*, and proposed Order with the Clerk of the Court for the United States District Court for the District of New Jersey using the CM/ECF system on March 12, 2024.

All counsel of record will be served by the CM/ECF system.

Dated: March 12, 2024

Respectfully submitted,

BY: /s/ Angelo Stio
Angelo A. Stio III, Esq.