

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF TRENTON

CHRISTINE CONFORTI, ARATI KREIBICH,)
MICO LUCIDE, JOSEPH MARCHICA, KEVIN)
MCMILLAN, ZINOVIA SPEZAKIS, and)
NEW JERSEY WORKING FAMILIES)
ALLIANCE, INC.,)

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, JOHN S. HOGAN, in)
his Official capacity as Bergen County Clerk,)
EDWARD P. MCGETTIGAN, in his official)
capacity as Atlantic County Clerk, and E. JUNIOR)
MALDONADO, in his official capacity as)
Hudson County Clerk,)

Defendants.)

Civil Action No.
3:20-cv-08267-ZNQ-TJB

ANSWER OF INTERVENOR
ATTORNEY GENERAL OF
NEW JERSEY

Intervenor, Attorney General of New Jersey, hereinafter referred to as "State Intervenor,"

by way of Answer to Plaintiffs' First Amended Complaint, states:

NATURE OF THE CASE

1. The Attorney General of New Jersey intervened solely to defend the constitutionality of state statutes, and has taken no position on other practices Plaintiffs allege in their Complaint. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. To the extent that their characterizations refer to other factors, State Intervenor is without sufficient knowledge to either admit or deny the allegations and leaves Plaintiffs to their proofs.

2. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor is without sufficient knowledge to either admit or deny the remaining allegations in this paragraph and leaves Plaintiffs to their proofs.

3. State Intervenor is without sufficient knowledge to either admit or deny the allegations in this paragraph and leaves Plaintiffs to their proofs.

4. Admitted to the extent that N.J.S.A. 19:49-2 and N.J.S.A. 19:23-18 set forth the procedure for joint petitions. Denied as to any other allegations regarding New Jersey ballot statutes. State Intervenor is without sufficient knowledge to either admit or deny the remaining allegations in this paragraph and leaves Plaintiffs to their proofs.

5. Admitted to the extent that N.J.S.A. 19:49-2 and N.J.S.A. 19:23-18 set forth the procedure for joint petitions. Denied as to any other allegations regarding New Jersey ballot statutes. State Intervenor is without sufficient knowledge to either admit or deny the remaining allegations in this paragraph and leaves Plaintiffs to their proofs.

6. To the extent that the allegations refer to New Jersey ballot statutes, denied. N.J.S.A. 19:23-24 sets forth the process for ballot draws. To the extent that the allegations refer to other factors, State Intervenor is without sufficient knowledge to either admit or deny the remaining allegations in this paragraph and leaves Plaintiffs to their proofs.

7. State Intervenor is without sufficient knowledge to either admit or deny the allegations in this paragraph and leaves Plaintiffs to their proofs.

8. State Intervenor is without sufficient knowledge to either admit or deny the allegations in this paragraph and leaves Plaintiffs to their proofs.

9. State Intervenor denies the allegations in this paragraph.

10. To the extent that the allegations refer to New Jersey ballot statutes, denied. To the extent that the allegations refer to other factors, State Intervenor is without sufficient knowledge to either admit or deny the remaining allegations in this paragraph and leaves Plaintiffs to their proofs.

11. State Intervenor admits that New Jersey has annual primary elections. Denied as to the remaining allegations.

12. Denied that Plaintiffs are entitled to declaratory relief against New Jersey ballot statutes.

13. Denied that Plaintiffs are entitled to injunctive relief against New Jersey ballot statutes.

JURISDICTION AND VENUE

14. Admitted that Plaintiffs bring this action as stated in this paragraph. Denied that Plaintiffs state a claim upon which relief can be granted thereunder.

15. Admitted that this Court has jurisdiction over this matter.

16. Admitted that this Court has jurisdiction over the parties in this matter.

17. Admitted that venue is proper.

18. Admitted that this Court has such authority. Denied that Plaintiffs can demonstrate legal entitlement to declaratory relief against New Jersey ballot statutes.

PARTIES

Plaintiffs

19. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

20. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

21. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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56. Allegations of this paragraph are legal conclusions to which no response is required.

Defendants

57. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

58. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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65. Admitted that the Secretary of State is New Jersey Chief Elections Official and is not a party to this suit as the Secretary of State has no role in ballot design in the State of New Jersey. State Intervenor is a party to this suit solely to defend the constitutionality of state statutes.

STATEMENT OF FACTS AND LAW

66. State Intervenor admits the allegations in this paragraph.

67. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

68. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

69. Admitted to the extent that N.J.S.A. 19:49-2 and N.J.S.A. 19:23-18 set forth the procedure for joint petitions. New Jersey's relevant statutes speak for themselves. As to the remainder of the allegations in this paragraph, State Intervenor neither admits nor denies the allegations as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

70. State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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73. Admitted to the extent that N.J.S.A. 19:49-2 and N.J.S.A. 19:23-18 set forth the procedure for joint petitions. New Jersey's relevant statutes speak for themselves. As to the

remainder of the allegations in this paragraph, State Intervenor neither admits nor denies the allegations as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

74. Admitted to the extent that N.J.S.A 19:49-2 sets forth procedures for joint petitions and that N.J.S.A. 19:23-6 sets forth procedures for filing nominating petitions. New Jersey's relevant statutes speak for themselves.

75. Admitted to the extent that N.J.S.A 19:49-2 sets forth procedures for joint petitions and that N.J.S.A. 19:23-6 sets forth procedures for filing nominating petitions. New Jersey's relevant statutes speak for themselves. As to the remainder of the allegations in this paragraph, State Intervenor neither admits nor denies the allegations as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

76. Admitted to the extent that N.J.S.A 19:23-24 sets forth the requirements for ballot draw. The statute speaks for itself.

77. Admitted to the extent that N.J.S.A 19:23-24 sets forth the requirements for ballot draw and that N.J.S.A. 19:23-26.1 sets forth rules regarding the ballot for primary elections for the nominations of candidates for the offices of United States Senator and Governor. New Jersey's relevant statutes speak for themselves. As to Plaintiffs' remaining allegations, State Intervenor neither admits nor denies the allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

78. Admitted to the extent that N.J.S.A 19:49-2 and 19:23-18 sets forth procedures for joint petitions. New Jersey's relevant statutes speak for themselves.

79. Admitted to the extent that N.J.S.A 19:49-2 and 19:23-18 sets forth procedures for joint petitions and N.J.S.A. 19:23-24 sets forth the procedures for ballot draws. New Jersey's relevant statutes speak for themselves.

80. To the extent that the allegations in this paragraph refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

81. To the extent that the allegations in this paragraph refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph as the allegations are not directed at State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

82. Admitted to the extent that N.J.S.A. 19:23-26.1 sets forth rules regarding the ballot for primary elections for the nominations of candidates for the offices of United States Senator and Governor. New Jersey's relevant statutes speak for themselves.

83. Allegations of this paragraph are legal conclusions to which no response is required.

84. Admitted to the extent that N.J.S.A. 19:23-26.1 sets forth rules regarding the ballot for primary elections for the nominations of candidates for the offices of United States Senator and Governor. New Jersey's relevant statutes speak for themselves.

85. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

86. State Intervenor neither admits nor denies the allegations set forth in this paragraph. To the extent that these allegations are governed by New Jersey ballot statutes, the relevant statutes

speak for themselves. To the extent that these allegations speak to actions not governed by New Jersey ballot statutes, those allegations are not directed at State Intervenor and State Intervenor leaves Plaintiffs to their proofs.

87. State Intervenor neither admits nor denies the allegations set forth in this paragraph. To the extent that these allegations are governed by New Jersey ballot statutes, the relevant statutes speak for themselves. To the extent that these allegations speak to actions not governed by New Jersey ballot statutes, those allegations are not directed at State Intervenor and State Intervenor leaves Plaintiffs to their proofs.

88. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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93. Allegations of this paragraph contain legal conclusions to which no response is required. As to the remaining allegations, State Intervenor neither admits nor denies the allegations. State Intervenor leaves Plaintiffs to their proofs.

94. Allegations of this paragraph are legal conclusions to which no response is required.

95. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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97. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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166. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

167. State Intervenor denies the allegations in this paragraph.

CLAIMS FOR RELIEF

COUNT I

U.S. Const. Amend. I and XIV, 42 U.S.C. §1983

Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Right to Vote/Vote Dilution)

168. State Intervenor repeats and incorporates herein each answer to every foregoing allegation of the First Amended Complaint and incorporates same as though set forth in full and at length herein.

169. Allegations of this paragraph are legal conclusions to which no response is required.

170. Allegations of this paragraph are legal conclusions to which no response is required.

171. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

172. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

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177. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

178. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

179. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

180. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

181. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

182. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

COUNT II

U.S. Const. Amend. I and XIV, 42 U.S.C. §1983

Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Equal Protection)

183. State Intervenor repeats and incorporates herein each answer to every foregoing allegation of the First Amended Complaint and incorporates same as though set forth in full and at length herein.

184. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

185. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

186. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

187. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

188. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

189. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

190. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

191. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this

paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

192. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

193. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

194. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

COUNT III

U.S. Const. Amend. I and XIV, 42 U.S.C. §1983

Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Freedom of Association)

195. State Intervenor repeats and incorporates herein each answer to every foregoing allegation of the First Amended Complaint and incorporates same as though set forth in full and at length herein.

196. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this

paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

197. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

198. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

199. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

200. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

201. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

202. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

203. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

204. State Intervenor denies the allegations in this paragraph.

205. State Intervenor neither admits nor denies the allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

206. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

207. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

208. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

COUNT IV

U.S. Const. Amend. I and XIV, 42 U.S.C. §1983

Violation of Elections Clause Under Federal Constitution

209. State Intervenor repeats and incorporates herein each answer to every foregoing allegation of the First Amended Complaint and incorporates same as though set forth in full and at length herein.

210. To the extent this paragraph accurately quotes Article I, Section 4, Clause 1 of the United States Constitution, admitted. The provision speaks for itself.

211. Allegations of this paragraph are legal conclusions to which no response is required.

212. Allegations of this paragraph are legal conclusions to which no response is required.

213. Allegations of this paragraph are legal conclusions to which no response is required.

214. Allegations of this paragraph are legal conclusions to which no response is required.

215. Allegations of this paragraph are legal conclusions to which no response is required.

216. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

217. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

218. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this

paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

219. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

220. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

221. To the extent that Plaintiffs' characterizations refer to New Jersey ballot statutes, denied. State Intervenor neither admits nor denies the remaining allegations set forth in this paragraph because the allegations are not directed to the State Intervenor. State Intervenor leaves Plaintiffs to their proofs.

COUNT V

42 U.S.C. §1983

Violation of Civil Rights Act

222-225. State Intervenor provides no answer to the allegations set forth in paragraphs 222 through 225 of the First Amended Complaint because Count V has been dismissed with prejudice by Order of this court, dated May 31, 2022.

WHEREFORE, State Intervenor denies that Plaintiffs are entitled to any relief as to the constitutionality of New Jersey ballot statutes. As to Plaintiffs' allegations regarding conduct not required by New Jersey ballot statutes, State Intervenor takes no position.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The First Amended Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs have not been deprived of any right, privilege or immunity secured to them by the United States Constitution or any Act of Congress.

THIRD AFFIRMATIVE DEFENSE

State Intervenor at all times acted pursuant to its lawful authority and all actions constitute exercise of appropriate authority.

FOURTH AFFIRMATIVE DEFENSE

The First Amended Complaint is barred, in whole or in part, by the doctrines of laches, unclean hands, accord and satisfaction, waiver, and/or estoppel.

FIFTH AFFIRMATIVE DEFENSE

The First Amended Complaint is barred, in whole or in part, by the doctrines of res judicata, collateral estoppel, and/or the entire controversy doctrine.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs failed to name a necessary and/or interested party to the litigation.

SEVENTH AFFIRMATIVE DEFENSE

This Court lacks jurisdiction over Plaintiff's claims.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to attorneys' fees, costs, or disbursements.

RESERVATION OF RIGHTS

State Intervenor reserves the right, at or before trial, to move for summary judgment, on the grounds that the complaint fails to state a claim upon which relief can be granted and/or State Intervenor is entitled to judgment as a matter of law. State Intervenor also reserves the right to amend its answer and to assert additional defenses and/or supplement, alter or change this Answer upon the revelation of more definite facts during and/or upon the completion of further discovery and investigation.

MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW JERSEY

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DATED: July 28, 2022