

No. 24-1594

IN THE
United States Court of Appeals
for the Third Circuit

ANDY KIM, *et al.*,
Plaintiffs-Appellees,

v.

CHRISTINE GIORDANO HANLON, in her capacity as Monmouth County Clerk, *et al.*,
Defendants,
CAMDEN COUNTY DEMOCRATIC COMMITTEE,
Intervenor-Defendant-Appellant.

On Appeal from the United States District Court
for the District of New Jersey, No. 3:24-cv-01098-ZNQ-TJB

***AMICUS CURIAE* MIDDLESEX COUNTY DEMOCRATIC
ORGANIZATION'S MOTION FOR DIVIDED ARGUMENT**

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April 8, 2024

*Counsel for Middlesex County
Democratic Organization*

The Middlesex County Democratic Organization (MCDO) moves for divided argument and to be allocated five minutes of oral argument time. We have conferred with the parties regarding this motion. Defendant-Appellant Camden County Democratic Committee has agreed to cede to the MCDO five minutes of its fifteen total minutes of argument time. This request, if granted, therefore will not increase the length of oral argument. Plaintiffs-Appellees have stated that they “not in a position to consent to this request at this time.”

1. The MCDO represents a diverse and progressive organization governed by the elected Democratic County Committee Members who are accountable to the registered Democratic voters in the 25 towns across Middlesex County. In this role, the MCDO endorses primary-election candidates who align with its values. Once it has chosen a slate of candidates for the open offices in an upcoming election, the MCDO, along with its endorsed candidates, requests that the candidates’ names be bracketed together on the ballot, as New Jersey law allows. Through bracketing on the “county line,” the MCDO can easily identify to its members the candidates the Organization has endorsed. The District Court’s preliminary injunction undermines the MCDO’s efforts to have its endorsed primary candidates elected, and the MCDO has a significant interest in this case.

2. Divided argument is appropriate. Because the Camden County Democratic Committee has agreed to cede to the MCDO a portion of its argument

time, divided argument will not increase the overall length of oral argument on either side of the appeal. In addition, divided argument will allow the court to consider the full scope of arguments relevant to this important issue. The MCDO's amicus brief analyzes a substantial body of case law in which courts across the country have rejected ballot-position claims nearly identical to this one under different constitutional theories. *See* MCDO Amicus Br. 9-16. As the MCDO has explained, if this Court affirms the district court's injunction, it will split with several of its sister circuits on a weighty election law issue mere days before ballots are to be printed. *Id.* at 16-17. No other party in this case has marshaled this case law bearing on the constitutional questions presented, and the MCDO's participation in argument would assist the Court as it decides this expedited appeal.

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For the foregoing reasons, the motion should be granted.

Respectfully submitted,

/s/ Sean Marotta

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CERTIFICATION OF BAR MEMBERSHIP

Pursuant to Local R. 28.3(d) and Local R. 46.1(e), I certify that I, Sean Marotta, am admitted as an attorney and counselor of the United States Court of Appeals for the Third Circuit.

/s/ Sean Marotta

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed with the Clerk using the appellate CM/ECF system on April 8, 2024. All counsel of record are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Sean Marotta

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