

IN THE
United States Court of Appeals
FOR THE THIRD CIRCUIT

Nos. 24-1593, 24-1594, 24-1601, 24-1602

ANDY KIM, et al.,
Plaintiffs-Appellees,

v.

CHRISTINE GIORDANO HANLON, et al.,
Defendants-Appellees.

Appeal from the United States District Court
for the District of New Jersey
No. 3:24-cv-01098
Honorable Zahid N. Quraishi

MOTION FOR AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, the Morris County Republican Organization does not have a parent corporation or a corporation that owns 10% or more of its stock.

Pursuant to Federal Rule of Appellate Procedure 26.1, the New Jersey Republican Chairs Association does not have a parent corporation or a corporation that owns 10% or more of its stock.

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MOTION FOR AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT

Pursuant to Court Order dated April 4, 2024, the Morris County Republican Committee, its Chair Laura Ali, the New Jersey Republican Chairs Association, and its Chairman Jose Arango, (collectively, “Republican County Chairs”) were granted amicus status before this Court. As such, pursuant to Federal Rule of Appellate Procedure 29(a)(8), the Republican County Chairs respectfully request to participate in the oral argument presently scheduled for April 12, 2024.

We respectfully request 5 minutes of oral argument time, and request that the Court add 5 minutes of time to each side so as to not diminish the time already allotted to the only other remaining Appellant. If time is so added, the Appellant, Camden County Democratic Committee (“CCDC”) has no objection.

Under the Court’s original oral argument notice each side was allotted 30 minutes. Based upon that time allocation, counsel for the only remaining Appellant, CCDC, consented to the Republican County Chairs’ participation and was willing to agree to yield 5 minutes of the 30 minutes of time. Earlier today, after Republican County Chairs received consent, but prior to filing this motion, the Court issued an amended oral argument notice, which reduced the time per side to 15 minutes. As a result of the reduction of time, the CCDC understandably sought to keep its full 15 minutes, but clarified that they did not object to our participation if time were added.

**POSITION OF THE REPUBLICAN COUNTY CHAIRS AND
REASONS FOR GRANTING ORAL ARGUMENT**

This matter involves incredibly important issues related to voting and elections in New Jersey and the manner in which candidates have appeared on the ballot for more than 70 years. Up until now, every New Jersey court which has looked that this issue has upheld the constitutionality of the now-challenged statutes and respected the political rights of the Legislature to dictate how ballots are regulated. Those courts have also respected the First Amendment rights of political parties to conduct primary elections in a manner of their choosing, including the rights of candidates to appear together on a “line” on the primary ballot – consistent with statutes enacted by the Legislature and upheld by New Jersey state courts. And since the Supreme Court decided Rucho v Common Cause, 139 S. Ct. 2484, 204 L. Ed. 2d 931 (2019) no ballot order statute has been held by any federal or state appeals court to violate the U.S. Constitution.

The issue currently before this Court has the potential to radically change the way elections are conducted in New Jersey and impose by way of judicial order the manner in which “fair” ballots are designed and how candidates can appear on the ballots to be “fair.” Such a ruling takes away the rights granted to the Legislature and infringes on the rights of political parties and candidates, and ascribes to the federal judiciary the right to be a decision maker with respect to what is “fair.”

Given the importance of this issue on the public, the Republican Committee amici ask this Court to permit them to participate in oral argument to ensure that the Court has the ability to hear from both the Democratic side of the aisle (represented by the Camden County Democratic Committee as a party-intervenor) and the Republican side of the aisle (currently not represented as a party). The Republican Committee amici are the only current participants capable of advocating for the rights of the Republican candidates and parties who seek to maintain the current system. While some of the issues may overlap, the public interest and the Court's will be more fully informed of all issues if the Republican Committee amici have an opportunity to present to the Court at oral argument and for the Court, if it chooses, to ask questions of the Republican Committees who represent the 1.5 million Republicans in New Jersey.

Republican County Chairs submit this application and respectfully requests that this Court grant this motion to participate at oral argument.

April 5, 2024

Respectfully submitted

/s/ Matthew C. Moench

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CERTIFICATE OF BAR MEMBERSHIP

I hereby certify that Matthew C. Moench, undersigned and counsel for Amicus Curiae, is a member of the bar of the United States Court of Appeals for the Third Circuit.

Dated: April 5, 2024

/s/Matthew C. Moench
Matthew C. Moench

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CERTIFICATE OF COMPLIANCE

1. I certify that this motion has been prepared in a proportionally spaced typeface using Microsoft Word, Times New Roman, 14-point.
2. I further certify that this motion contains 664 words.
3. I further certify, pursuant to Local Appellate Rule 31.1(c), that the text of the electronic form of this motion is identical to the text in the paper copies.
4. I further certify that the electronic form of this brief has been scanned for viruses using Sentinel One Version 22.2.4.558 and that no virus was detected.

I understand that a material misrepresentation can result in the court's striking the brief and imposing sanctions.

If the Court so directs, I will provide an electronic version of this motion and a copy of the word or line printout.

Dated: April 5, 2024

/s/ Matthew C. Moench
Matthew C. Moench

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion has been served on all counsel of record using the Court's CM/ECF system.

Dated: April 5, 2024

/s/ Matthew C. Moench
Matthew C. Moench

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