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Attorneys for Proposed Intervenor New Jersey Republican State Committee

New Jersey Democratic State Committee,

Plaintiff,

v.

Board of Elections of Bergen County,
Commissioner of Registrations/
Superintendent of Elections, Debra M.
Francica of Bergen County, New Jersey and
John Does 1-5, in his/her capacity as an
election official in Bergen County, New
Jersey.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY, LAW DIVISION,
CIVIL PART

DOCKET NO.: BER-L-7347-25

CIVIL ACTION

NOTICE OF MOTION TO INTERVENE

TO: Rajiv D. Parikh, Esq. (032462005)
Robert J. Garcia, Esq (382992022)
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COUNSEL:

PLEASE TAKE NOTICE that on November 4, 2025, at 10:30 a.m., Proposed

Intervenor New Jersey Republican State Committee shall move before the Honorable Carol V.

Novey Catuogno, A.J.S.C. of the Superior Court of New Jersey, Law Division, Civil Part,
Bergen County, Bergen County Justice Center, 10 Main Street, Suite/Room 425, Hackensack,
New Jersey 07601, via Zoom, for the entry of an Order pursuant to Rule 4:33 granting the New
Jersey Republican State Committee intervention.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion, Proposed
Intervenor New Jersey Republican State Committee will rely upon the Letter Brief in Support of
Motion to Intervene, which is being filed and served simultaneously herewith.

PLEASE TAKE FURTHER NOTICE that, in accordance with Rule 1:6-2(a), a
proposed form of order is submitted herewith.

Respectfully submitted,

DHILLON LAW GROUP INC.

By: /s/ Josiah Contarino

Josiah Contarino

ARCHER & GREINER, P.C.

By: /s/ Jason Sena

Jason Sena

*Attorneys for Proposed Intervenor
New Jersey Republican State
Committee*

Dated: November 4, 2025

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SUPERIOR COURT OF NEW JERSEY
 BERGEN COUNTY, LAW DIVISION,
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CIVIL ACTION

ORDER

THIS MATTER, having been opened to the Court by Dhillon Law Group, Inc. and Archer & Greiner, P.C., attorneys for Proposed Intervenor New Jersey Republican State Committee, by way of motion to intervene pursuant to Rule 4:33, and the Court having considered all papers submitted and the oral argument of counsel, if any; and for good cause shown;

IT IS on this _____ day of November 2025 **ORDERED** as follows:

1. Proposed Intervenor New Jersey Republican State Committee's motion to intervene is hereby **GRANTED**;

2. Proposed Intervenor New Jersey Republican State Committee is permitted to intervene in this action and participate in all further proceedings.

Hon. Carol V. Novey Catuogno, A.J.S.C.

This motion was:

☐ Opposed
☐ Unopposed



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November 4, 2025

VIA E-COURTS

Honorable Carol V. Novey Catuogno, A.J.S.C.
Bergen County Justice Center
10 Main Street
Suite/Room 425
Hackensack, New Jersey 07601

Re: *New Jersey Democratic State Committee v. Board of Elections of Bergen County, et al.* – BER-L-7347-25

Dear Assignment Judge Novey Catuogno:

Dhillon Law Group Inc. and Archer & Greiner, P.C. represent the New Jersey Republican State Committee (“NJRSC”). Please accept this letter in lieu of a more formal brief in support of the NJRSC’s motion to intervene.

Introduction

Plaintiff in this action seeks to force Defendant Board of Elections (the “Board”) to issue cure letters on fatally defective ballots in violation of New Jersey statute and the Appellate Division’s holding in *Hopson v. Cirz*, 482 N.J. Super. 232 (App. Div. 2025). Specifically, according to *Hopson*, N.J.S.A. 19:63-17 does not permit voters to cure mail in ballots that are missing the information required on the inner envelope pursuant to N.J.S.A. 19:63-16(a). Yet Plaintiff seeks this relief.

The issuance of cure letters on ballots that statutorily cannot be cured injures the rights of all other voters who voted legally. That is, to permit voters to cure defective ballots in violation of New Jersey statute dilutes the vote of citizens who voted legally.

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NJRSC has an interest to ensure the integrity of the election process as a whole and to ensure the votes of its members are not diluted by votes that cannot be counted.

Accordingly, NJRSC respectfully moves to intervene in this matter.

Argument

I. The NJRSC should be granted intervention as of right because it has an interest in this dispute, and disposition of dispute may impair or impede its ability to protect that interest.

The NJRSC should be granted intervention as of right because it has an interest in this dispute, and disposition of dispute may impair or impede its ability to protect that interest.

Any applicant can intervene in a lawsuit as of right if the applicant “claims an interest relating to the property or transaction which is the subject of the action and is so situated that the disposition of the action may as a practical matter impair or impede the ability of to protect that interest.” *R. 4:33-1*. Specifically, Rule 4:33-1 states:

Upon timely application anyone shall be permitted to intervene in an action if the applicant claims an interest relating to the property or transaction which is the subject of the action and is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

In *American Civil Liberties Union of N.J., Inc. v. Cnty. of Hudson*, 352 N.J. Super 44, 67 (App. Div. 2022), the Appellate Division held that those seeking intervention as of right must show the following (citation and quotation marks omitted) (alterations in original):

(1) claim an interest relating to the property or transaction which is the subject of the transaction, (2) show [that the movant] is so

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situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest,” (3) demonstrate that the [movant’s] interest is not adequately represented by existing parties, and (4) make a timely application to intervene.

Courts regularly allow political parties to intervene as of right in election law litigation. *See Council of Alternative Political Parties v. State, Div. of Elections*, 344 N.J. Super. 225, 230–31 (App. Div. 2001).

A. The NJRSC has a protected legal interest in the constitutional right to vote, due process, and equal protection of law.

The NJRSC possesses a cognizable interest in maintaining the integrity of the election process. To demonstrate a significant protectable interest, the movant must establish that the interest is protectable under some law and that there is a relationship between the legally protected interest and the claims at issue, but no specific legal or equitable interest need be established. *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 969 (3d Cir. 1998) (explaining that the interest requirement is a practical guide to disposing of lawsuits by involving “as many concerned parties as is compatible with efficiency”); *see also N.J. Democratic Party, Inc. v. Samson*, 175 N.J. 178, 190 (2002) (recognizing the judiciary’s responsibility to protect the integrity of the electoral process when the election provision at issue serves important state interests—such as the orderly electoral process—and must therefore be strictly construed); *City of Clifton v. Cresthaven Cemetery Ass’n*, 17 N.J. Super. 362, 365 (App. Div. 1952) (reiterating the necessity of alleging facts to support the claim of interest).

The voters, local political parties, and candidates have a protected interest in ensuring the integrity of the election process as a whole. As the U.S. Supreme Court has

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recognized, “false votes . . . injure the right of all voters in a federal election to express their choice of a candidate.” *Anderson v. United States*, 417 U.S. 211, 226 (1974). An individual’s “right of suffrage” is “denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

B. A judgment in favor of Plaintiff would substantially impair the NJRSC’s legal interest in the right to vote, due process, and equal protection of law.

Because the NJRSC has a significant legal interest in maintaining the integrity of the election process, a judgment in favor of the Plaintiff inevitably would impair that interest. Where a proposed intervenor has a “significantly protectable” interest in the case, there is little difficulty concluding that the disposition of the case may, as a practical matter, affect it. *Kleissler*, 157 F.3d at 973 (3d Cir. 1998) (noting that an interest protected by state law is “substantial and adequate”).

In this case, Plaintiff seeks an order from this Court that would direct Defendants to act in a manner that violates the New Jersey statutes. Indeed, despite Plaintiff’s attempt to argue the contrary, this matter is controlled by the Appellate Division’s decision in *Hopson v. Cirz*, 482 N.J. Super. 232 (App. Div. 2025).

In *Hopson*, the Appellate Division affirmed the trial court’s decision not to count a mail in ballot because its inner envelope did not contain the required information. *Id.* at 258–60. Without the inner envelope the voter did not print her name, street address, or sign the inner envelope as required by N.J.S.A. 19:63-16(a). *Id.* at 258. Although the Appellate Division acknowledged that N.J.S.A. 19:63-17 permits mail-in voters if a

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signature is missing, it refused to “construe the statute as allowing the cure of a ballot submitted with an inner envelope that was left completely blank.” *Id.* at 260. This makes sense because the requirements of N.J.S.A. 19:63-16(a) are mandatory. *See* N.J.S.A. 19:63-16(a) (dictating that a mail in ballot “**shall** be placed in the inner envelope, which shall then be sealed, and the voter **shall** then fill in the form of certificate attached to the inner envelope, at the end of which the voter **shall** sign and print the voter’s name. The inner envelope with the certificate **shall** then be placed in the outer envelope, which shall then be sealed” (emphasis added)). There is no discretion to ignore New Jersey’s inner envelope requirement.

A mail in ballot that omits the inner envelope in its entirety similarly lacks the name, street address, and signature on the inner envelope as required by N.J.S.A. 19:63-16(a). Plaintiff’s argument that Defendants should permit curing of these defective ballots is entirely foreclosed by *Hopson*, N.J.S.A. 19:63-16(a), and N.J.S.A. 19:63-17. Plaintiff’s position that only the signatures of the naked ballots need curing is incomplete, ignores *Hopson*’s ruling where the same argument was made, and should be readily rejected by this Court.

C. The NJRSC’s interests are not adequately represented by existing parties.

There is a substantial risk that the NJRSC’s independent interests will not be fully and adequately represented by the existing Defendants. Initially, as Defendants have not yet filed a response, Defendants’ position on the merits of Plaintiff’s claims and the pending action for emergency injunctive relief remains unclear as of the time of this motion’s filing.

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And even assuming Defendants will oppose the relief sought by Plaintiff in this Court, they have not as yet confirmed any intention to prosecute a vigorous and expedited appeal of an adverse ruling, which can constitute inadequate representation of a proposed intervenor's interests. *See Pennsylvania v. President of the United States*, 888 F.3d 52, 60 (3d Cir. 2018) (explaining that interests are not adequately represented if they diverge sufficiently from the interests of the existing [governmental] party, such that the existing party cannot devote proper attention to the applicant's interests." (citation and internal quotation marks omitted)).

More fundamentally, Defendants maintain their own constellation of interests and prerogatives that are distinct from, and independent of, those of the NJRSC. Defendants are named as parties in this case as the public officials who would carry out the relief Plaintiff is seeking. By contrast, the NJRSC is "concerned with ensuring their party members and the voters they represent have the opportunity to vote in the upcoming federal election, advancing their overall electoral prospects, and allocating their limited resources to inform voters about the election procedures." *Issa v. Newsom*, 220CV01044MCECKD, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020).

Finally, the mere fact that Defendants are public officials should not weigh against the NJRSC's motion. The Government's "views are necessarily colored by its view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it." *Kleissler*, 157 F.3d at 972.

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D. The NJRSC's motion to intervene—filed the day after Plaintiff's complaint—is timely

The timeliness of this motion is not subject to reasonable dispute. By moving within hours of the commencement of this action and prior to any discovery or substantive dispositions by the Court, the NJRSC has acted with reasonable, if not extraordinary, celerity in vindicating their constitutionally protected interests.

II. Alternatively, the NJRSC should be granted permissive intervention.

Alternatively, an applicant can seek permissive intervention if their “claim or defense” and the ongoing action “have a question of law or fact in common.” *R.* 4:33-2. For the same reasons as discussed in Point I, the NJRSC should be granted permissive intervention if intervention as of right.

CONCLUSION

For the reasons stated above, the NJRSC respectfully requests that its motion to intervene be granted.

Respectfully submitted,

DHILLON LAW GROUP INC.

By: /s/ Josiah Contarino
Josiah Contarino

ARCHER & GREINER, P.C.

By: /s/ Jason Sena
Jason Sena

