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Attorney for Defendants
Gurbir S. Grewal, Eric H. Jaso, Stephen M. Holden,
and Marguerite T. Simon

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

**ILLINOIS OPPORTUNITY
PROJECT,**

Plaintiff,

v.

**STEPHEN M. HOLDEN, ERIC H.
JASO, and MARGUERITE T.
SIMON,** in their official capacities as
commissioners of the New Jersey
Election Law Enforcement
Commission,

Defendants.

Civil Action No. 19-cv-17912

**ANSWER AND
AFFIRMATIVE DEFENSES**

Defendants, Stephen M. Holden, Eric H. Jaso, and Marguerite T. Simon,
hereinafter referred to as “Defendants,” by way and through the undersigned

counsel, hereby respond to the allegations as set forth in Plaintiffs' Complaint and by way of Answer to the same state:

INTRODUCTION

1. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

2. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

3. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent that this paragraph contains factual allegations, they are hereby denied except Defendants admit that S150 was passed and signed into law and imposes certain disclosure requirements. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of the cited statute ("S150"), the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

4. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of the cited statute ("S150"), the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

5. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of the cited statute (“S150”), the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

6. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

7. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

PARTIES

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and Plaintiff is left to its proofs.

9. Admitted.

JURISDICTION AND VENUE

10. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

11. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

FACTUAL ALLEGATIONS

12. Defendants make no answer to this paragraph because it calls for conclusion of law to which no responsive pleading is required. To the extent that this paragraph contains factual allegations, they are hereby denied except that Defendants admit that S150 was passed and signed into law and imposes certain disclosure requirements. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

13. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

14. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

15. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

16. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

17. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and Plaintiffs are left to their proofs.

19. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and Plaintiffs are left to their proofs.

20. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and Plaintiffs are left to their proofs.

21. Defendants make no answer to this paragraph, because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

22. Defendants make no answer to this paragraph, because it calls for conclusions of law to which no responsive pleading is required

23. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and Plaintiffs are left to their proofs.

24. Defendants make no answer to this paragraph, because it calls for conclusions of law to which no responsive pleading is required. To the extent the allegations of this paragraph seek to paraphrase or characterize the contents of S150, the statute speaks for itself, and Defendants deny the allegations to the extent that they are inconsistent with the statute.

25. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and Plaintiffs are left to their proofs.

26. Defendants make no answer to this paragraph, because it calls for conclusions of law to which no responsive pleading is required.

COUNT I

By requiring Plaintiff to disclose its members and supporters, the Commissioners violate the First and Fourteenth Amendments.

27. Defendants repeat and incorporate by reference the answers to all previous paragraphs as though fully set forth herein.

28. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

29. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

30. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

COUNT II

By requiring Plaintiff to register and disclose its sponsorship of issue advocacy, the Commissioners violate the First and Fourteenth Amendments.

31. Defendants repeat and incorporate by reference the answers to all previous paragraphs as though fully set forth herein.

32. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

33. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

34. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

35. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

COUNT III

By targeting the Plaintiff and other social-welfare organizations, the Commissioners violate the First and Fourteenth Amendments

36. Defendants repeat and incorporate by reference the answers to all previous paragraphs as though fully set forth herein.

37. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

38. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

39. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

40. Defendants make no answer to this paragraph because it calls for conclusions of law to which no responsive pleading is required.

REQUESTED RELIEF

WHEREFORE, Defendants demand judgment dismissing the Complaint with prejudice and any other relief the Court deems equitable and just.

AFFIRMATIVE DEFENSES

Defendants are immune from suit for damages.

DESIGNATION OF TRIAL COUNSEL

Please be advised that Stuart M. Feinblatt, Assistant Attorney General, is hereby designated as trial counsel.

LOCAL CIVIL RULE 11.2 CERTIFICATION

Pursuant to Local Civil Rule 11.2, I hereby certify to the best of my knowledge, information and belief that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding. However, challenges to S150 have been made on similar and other grounds in the following actions: Americans for Prosperity v. Gurbir Grewal, et al., No. 19-cv-14228 (BRM) (LHG), and American Civil Liberties Union of New Jersey v. Gurbir S. Grewal, et al., No. 19-cv-17807 (BRM) (LHG).

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Stuart M. Feinblatt
Stuart M. Feinblatt
Assistant Attorney General

DATED: January 10, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2020, the foregoing was filed electronically with the Clerk of the United States District Court via the Court's Case Management and Electronic Case Filing (CM/ECF) System and was served upon all counsel of record via Electronic Case Filing.

By: /s/ Stuart M. Feinblatt
Stuart M. Feinblatt
Assistant Attorney General

Dated: January 10, 2020