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

**DONALD J. TRUMP FOR PRESIDENT,
INC., REPUBLICAN NATIONAL
COMMITTEE, NEW JERSEY
REPUBLICAN STATE COMMITTEE,**

Plaintiffs,

v.

**PHILIP D. MURPHY, in his official
capacity as Governor of New Jersey,
TAHESHA WAY, in her official capacity
as Secretary of State of New Jersey,**

Defendants.

DOCKET NO. 3:20-cv-10753

**CERTIFICATION OF
MICHAEL SULEIMAN, CHAIRMAN,
ATLANTIC COUNTY
DEMOCRATIC COMMITTEE,
IN SUPPORT OF ITS
MOTION TO INTERVENE PURSUANT
TO *F.R.C.P.* 24
AND IN THE ALTERNATIVE
TO SUBMIT A BRIEF AS *AMICUS
CURIAE* PURSUANT TO *F.R.C.P.* 29**

I, Michael Suleiman, Chairman of the Atlantic County Democratic Committee, of full age, in support of this application for intervention and in the alternative to appear as amicus curiae, do hereby certify and say:

1. I am the Chairman of the Atlantic County Democratic Committee (“ACDC”), a New Jersey domestic non-profit corporation established pursuant to *N.J.S.A.* 19:5-1 *et seq.*, with a current address of Post Office Box 237, in the City of Absecon, County of Atlantic, and State of New Jersey.
2. Pursuant to its By-laws at Article II (Purpose):

The purpose of the Atlantic County Democratic Committee shall be to (a) serve as the governing body of the Atlantic County Democratic Party, (b) promote the

principles and platforms of the Democratic Party, © serve as a grassroots organization for mobilizing Democrats, and (d) create and protect Democratic majorities at all levels of government.

(Exhibit A)

3. The ACDC is committed to protecting the right to the franchise, facilitating voting, and encouraging participation by eligible voters. Moreover, the ACDC is absolutely committed to free, fair, and open elections as part of the democratic process. In this regard and as part of its role in Atlantic County, New Jersey, the ACDC acts on behalf of the entire Atlantic County electorate.
4. It is an understatement to say that the upcoming General Election on November 3, 2020 is monumental. Elected positions up for decision by the citizenry run from President of the United States down to local council and municipal committee members in each of Atlantic County's 23 cities, townships, and boroughs.
5. It is also an understatement to say we are currently experiencing a health crisis in the State of New Jersey and the United States as a whole. As of the drafting of this Certification, over 176,500 people have died as a direct or collateral result of Covid-19 in the United States since February 29, 2020 (<https://www.worldometers.info/coronavirus/country/us/>). And of those 176,500 people, over 16,000 were from New Jersey. Sadly, the number of Covid-19 related deaths are likely well in excess. (https://www.cdc.gov/nchs/nvss/vsrr/covid19/excess_deaths.htm#dashboard).
6. While New Jersey has—for now—tempered the initial wave of the virus, we are expecting a second round to return this Fall with a vengeance as temperatures drop and people spend more time indoors. This time, however, the succeeding wave of the virus is expected to occur contemporaneously with influenza.
7. New Jersey has approximately 9 million residents. Of those, approximately 264,000 people reside in Atlantic County.
8. While geographically diverse, Atlantic County consists of three population centers: “On Shore” (referring to cities along the Atlantic Ocean), “The Mainland” (cities, towns, and boroughs adjacent to the Shore communities and slightly further west), and “Western Atlantic County” (cities, towns, and boroughs from the Mainland through to the City of Hammonton). The Shore cities are mainly dense population centers; the Mainland is mostly suburban; and West Atlantic County, with the exception of Hammonton, is mostly rural. Most of Atlantic County's population is located along the Shore or on the Mainland, the two smaller geographic slices of Atlantic County.
9. Because of the lack of population dispersal in large portions of Atlantic County, there is a significant chance that come Fall 2020, we will be severely affected by a Covid-19 resurgence combined with influenza.

10. In expectation of this in New Jersey, Governor Murphy issued Executive Order 177 (2020) ("EO 177"). EO 177 involves upcoming elections and, for purposes of this application, specifically the General Election on November 3, 2020.
11. Similar to its predecessor executive orders, EO 177 expands vote-by-mail ballots in an effort to preserve the franchise and make voting safe and more accessible in light of the probable resurgence of Covid-19 with influenza. EO 177 sets specific deadlines, requirements, and obligations in light of the ongoing pandemic and its expected Fall impact on New Jersey.
12. The latter portion is particularly important as an Atlantic County Board of Elections official recently posted on her social media account:

We stand in line at Target, Walmart, Lowe's [sic] etc. We can stand in line in November. Say NO to mail in [sic] voting. Make this go viral[.]

(Exhibit "B")
13. For now, without going into detail regarding the specific benefits of EO 177, as it relates to public safety and the franchise, the ACDC has a vested interest in EO 177's success, to include its structuring of key dates and events, implementation, and execution.
14. Protecting the right and ability of all 195,965 registered Atlantic County voters to participate in our democracy is one of the key philosophical underpinnings of the ACDC. While technically representing the 71,142 registered Democratic Party voters in Atlantic County, we are concerned with free, fair, and safe elections for all. (<https://www.nj.gov/state/elections/assets/pdf/svrs-reports/2020/2020-08-voter-registration-by-county.pdf>.)
15. Because of this and on behalf of the Registered Democratic Party Voters in Atlantic County, the ACDC seeks leave of the Court join in the defense of EO 177 and in opposition to Plaintiffs' requested injunctive relief.
16. In the alternative, should our request for intervention be denied, we are respectfully requesting the opportunity to participate as amicus curiae on behalf of the Democratic Registered Voters in Atlantic County.
17. I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are false, I may be subject to punishment.

Date: August 20, 2020

By: _____
Michael Suleiman, Chairman
Atlantic County Democratic Committee

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Date: August 20, 2020

By:



Michael Suleiman, Chairman
Atlantic County Democratic Committee

Exhibit “A”

ATLANTIC COUNTY DEMOCRATIC COMMITTEE
CONSTITUTION AND BY-LAWS

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AMENDED MAY 7, 2020

CONSTITUTION AND BY-LAWS
OF THE
ATLANTIC COUNTY DEMOCRATIC COMMITTEE

In accordance with and as provided by N.J.S.A. 19:5-1 et. seq. the following shall be the CONSTITUTION AND BY-LAWS of the Atlantic County Democratic Committee.

ARTICLE I NAME

The name of this organization shall be the Atlantic County Democratic Committee.

ARTICLE II PURPOSE

The purpose of the Atlantic County Democratic Committee shall be to (a) serve as the governing body of the Atlantic County Democratic Party, (b) promote the principles and platforms of the Democratic Party, (c) serve as a grassroots organization for mobilizing Democrats, and (d) create and protect Democratic majorities at all levels of government.

ARTICLE III MEMBERSHIP

A. The Atlantic County Democratic Committee shall be composed of one male and one female registered Democrat from each voting district in the county who shall have been duly elected at the primary for the general election of the House of Representatives or subsequently appointed and elected at the reorganization of the municipal committee at a duly authorized meeting as required by N.J.S.A. 19:5-2.

B. If a majority of the municipal committee through the municipal chair opts to elect their county committee persons at-large, they may do so by written notification to the county chairman at least forty-five (45) days prior to the candidates' filing deadline for the biennial election for the House of Representatives. Candidates for county committee elected at large must live within the municipality but not within specific voting districts to be elected. The total number of committee persons to be elected at-large shall be the same for each municipality as the total number currently allotted to that municipality through electing one male and one female for each voting district. In municipalities which opt to elect their county committee members at-large, there shall be an equal number of males and females

elected. If a municipality has more than ten voting districts and the municipal committee chooses to elect county committee members on an at-large basis, then the county committee candidates will be divided into two equal units of representation consistent with all other provisions of this section of the bylaws.

C. If a majority of the municipal committee through the municipal chair in a municipality that elects their governing body by wards opts to elect their county committee at-large, they must do so by written notification to the county chairman at least forty-five (45) days prior to the candidates' filing deadline for the biennial election of the House of Representatives. Candidates for county committee must live within that ward, but not within specific voting districts to be elected. The total number of county committee members to be elected from that ward shall be the same as is currently allotted to that ward through electing one male and one female from each voting district within that ward. In municipalities which elect their governing body by ward and who opt to elect their county committee members at large within the ward, there shall be an equal number of males and females elected.

D. All members of the Atlantic County Democratic committee shall reside in the municipality or ward in which they are elected and shall be registered Democrats and eligible to vote.

E. If no person was elected at the June primary election, then in accordance with these bylaws and the Democracy Act, the municipal chair may nominate a registered Democrat from the municipality to fill the vacancy with a favorable vote by the majority of municipal committee members voting and present.

F. The term of all members elected in the primary election of the House of Representatives shall be for two years. The term of all members appointed to fill a vacancy and elected by the Municipal Committee shall be for the remainder of the unexpired two year term in accordance with N.J.S.A. 19:5-3. Provided, however, that due the COVID-19 public health crisis, the dire economic toll it has taken on Atlantic County residents, and in an attempt to alleviate the burden on both elections officials and current and prospective county committee members, the county committee elections scheduled for the 2020 primary in Atlantic County are postponed for a period of one year. The terms of all current county committee members and officers, which are currently slated to expire on June 6, 2020, are hereby extended for one year. County committee elections will now take place at the primary election scheduled for Tuesday, June 8, 2021. The county committee reorganization meeting will take place after the June 2021 primary in accordance with the timing requirements set-forth in Title 19 of the New Jersey statutes. Additionally, the

Executive Committee of the Atlantic County Democratic Committee recommends to all municipal chairs that the terms of municipal chairs also be extended for one year and that municipal chairs hold their reorganization meeting after the June 2021 primary in accordance with Title 19 of the New Jersey Statutes.

Any provision of the Bylaws that is inconsistent with the provisions of this Amendment, or is inconsistent with the method and manner of the adoption of this Amendment, are revoked and deemed null and void.

G. Each member of the Atlantic County Democratic Committee shall promote the principles, policies, goals and objectives of the Atlantic County Democratic Committee.

ARTICLE IV OFFICERS

A. The members of the Atlantic County Democratic Committee shall elect as their officers a CHAIRMAN, a VICE-CHAIRMAN of the opposite sex, a SECRETARY, an ASSISTANT SECRETARY, a TREASURER and a DEPUTY TREASURER and two SERGEANTS-AT-ARMS all of whom may be members of the Atlantic County Democratic Committee, and shall be a registered Democrat.

B. The offices of Secretary, Assistant Secretary, Treasurer, Deputy Treasurer and Sergeants-at-Arms shall be elected for a period of two years at the Atlantic County Democratic Committee reorganization meeting. The terms of the Chairman and Vice-Chairman shall be for a period of one year or until a successor is elected.

ARTICLE V DUTIES OF OFFICERS

A. The Chairman shall preside at all meetings of the Atlantic County Democratic Committee and at all meetings of the Executive Committee and shall appoint such committees, as he may from time to time deem necessary. No person who serves in or is a candidate for county or state public elective office (as defined in N.J.S.A. 19:1-1) except any party office shall serve as Chairperson of the Atlantic County Democratic Committee. Any person wishing to be a candidate for Chairperson shall disclose any and all governmental employment or appointments, or that he or she has none, in a written statement to be distributed to the members of the Committee no later than ten days prior to the Reorganization Meeting or the annual meeting, as the case may be.

The Chairperson shall appoint the Solicitor of the Atlantic County Democratic Committee at the Reorganization Meeting, for a

term to extend until the next Reorganization Meeting or until a successor is appointed.

B. In addition to the rights and duties conferred or imposed by law, the Chairman shall exercise and discharge those conferred by this Constitution and By-Laws and by resolutions adopted in conformity therewith.

C. In the absence of or during the inability of the Chairman to serve, the Vice-Chairman shall preside at all meetings of the Atlantic County Democratic Committee and shall exercise all the powers and duties of the Chairman.

D. The Secretary shall perform such duties as usually pertain to the office and may be assigned additional duties by the Atlantic County Democratic Committee, the Chairman, or the Executive Committee. These duties shall include the taking and maintenance of written minutes of the meetings of the County Committee and the Executive Committee. The Secretary shall be responsible for keeping and maintaining the archives of the Committee, including but not limited to agendas, minutes, income and expenditures, financial records and other books and records. Upon completion, expiration or termination of the term of office, the Secretary shall turn the archives over to the successor Secretary. In the absence of or during the inability of the Secretary to serve, the Assistant Secretary shall exercise all the powers and duties of the Secretary.

E. The Treasurer shall possess all powers and discharge all duties conferred or imposed by law, this Constitution and By-Laws, and the resolutions of the Atlantic County Democratic Committee. In the absence of or during the inability of the Treasurer to serve, the Deputy Treasurer shall exercise all the powers and duties of the Treasurer. The Treasurer shall accept all receipts and make all disbursements in the account of the Atlantic County Democratic Committee. All disbursements shall be subject to the approval of the Chairman. The Treasurer shall render an account to the Executive Committee summarizing all monies received and all monies paid, and shall at the same time report a summary of all accounts receivable and all accounts payable at each meeting of the Executive Committee. All monies received by the Treasurer shall be deposited by him in a bank selected by resolution of the County Committee. See 19:44A-10.

F. The Sergeants-at-Arms shall assist the Chair to preserve order at all meetings of the County Committee and shall follow any instructions from the Chairman.

G. The Chairman and Vice-Chairman shall be ex-officio voting members of all committees established by this Constitution and By-Laws and all other committees that may be established by the Atlantic County Democratic Committee.

H. Officers are not permitted to enter into any loan agreements exceeding ten thousand dollars (\$10,000) from any company, person, or entity without a majority vote of those present and voting of a duly constituted meeting of the Atlantic County Democratic Committee.

ARTICLE VI VACANCIES

All vacancies caused by the death or resignation of a member, failure to elect or otherwise, shall be filled for the unexpired term in the following manner:

A. Committee Members

Any vacancy in the office of a member of the Atlantic County Democratic Committee shall be filled for the unexpired term by the Municipal Committee in the municipality wherein the vacancy occurs in accordance with N.J.S.A. 19:5-2 and 19:5-3.

B. Committee Officers

A vacancy existing in the office of the Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer or Deputy Treasurer shall be filled by a vote of the Atlantic County Democratic Committee at the next meeting of the Committee, but in any case, with not less than ten days prior notice to members of the Committee. In the event of a vacancy in the office of the Chairman, the Vice-Chairman shall be Chairman. In the event of vacancies in the offices of Chairman and Vice-Chairman, the Secretary shall serve as Chairman. The Treasurer shall be next in line of succession, with Assistant Secretary, Deputy Treasurer and Sergeant-at-Arms to follow. They shall continue their regular duties as respectively until the vacancies are filled.

C. State Committeeman and Committeewoman

In the event of a vacancy, these offices shall be filled for the unexpired term by a vote of the Atlantic County Democratic Committee at the next meeting of the Committee, but in any case, with not less than ten (10) days prior notice to members of the Committee.

D. Removal for Cause

Any committeeman or committeewoman may be removed by the Executive Committee for cause. Cause shall include conviction for an offense involving or touching on their office if an Officer, or upon their position as committeeman or committeewoman; conviction for an offense involving dishonesty or for a crime of the third degree or above or under the laws of another state or of the United States for an offense or a crime which, if committed in this State, would be such an offense or crime; or ineligibility to vote in the State of New Jersey. The committeeman or committeewoman shall be not be removed, unless first being given ten (10) days written notice by mail of the proposed removal and after having been given an opportunity to be heard by the Executive Committee. If an Officer is sought to be removed, he or she may not vote at the hearing. No person shall be removed without two-thirds (2/3) of those Executive Committee members eligible to vote and present at the hearing.

ARTICLE VII MEETINGS, QUORUM, ORDER OF BUSINESS AND VOTING

A. Meetings

The Atlantic County Democratic Committee shall conduct its annual meeting the Tuesday evening following the primary for the general election of the House of Representatives, except when such meeting day falls on a legal holiday. Then the meeting shall be held on the day following the legal holiday, and when the meeting day falls on a municipal runoff election within the county, then the meeting may be held on the day following at an hour and place to be designated in a notice and in writing to be mailed by the Chairman. The reorganization meeting shall be held at the annual meeting on the first Tuesday following the primary election for members of the Atlantic County Democratic Committee. Meetings may be held at such other times and places during the year at the call of the Chairman. All meetings shall be held on at least five days written notice, as determined by the postmark date or e-mail transmission to each member. There shall be a minimum of three additional County Committee Meetings during the year. By resolution, the Chairman or Executive Committee may direct the time and place of additional meetings. In addition, twenty percent (20%) of the County Committee members concurring may call a meeting by petition.

B. Quorum

No meeting of the Atlantic County Democratic Committee or the Executive Committee shall be called to order unless:

1. At least five (5) days prior to any such meeting, a written notice of the meeting is mailed, e-mailed or delivered to all members of the body eligible to attend, and

2. There is in attendance at any such meeting at least fifteen percent (15%) of the persons eligible to attend and representing at least four (4) municipalities which shall constitute a quorum.

C. Order of Business

The Order of Business shall be as follows:

1. Call to Order and Flag Salute
2. Reading and Approval of the Minutes
3. Report of the Treasurer
4. Report of the Chair
5. Committee Reports
6. Unfinished Business
7. New Business
8. Members' comments and announcements
9. Adjournment

At the reorganization meeting, the election of officers shall immediately follow the call to order.

D. Voting

1. The reorganization election shall be officiated by the Secretary. The newly elected Chairperson shall then preside over the election of the remaining officers.
2. Only those members present at a duly constituted meeting shall be entitled to vote on any question, motion, or resolution and a simple majority shall be sufficient for passage of any motion or resolution, except a resolution to amend or repeal this Constitution and By-Laws in accordance with Article XIV.
3. All voting for the election of officers or for the filling of vacancies shall be by secret written ballot. In the event there is only one candidate for any office or vacancy, voting may be by voice vote.

ARTICLE VIII EXECUTIVE COMMITTEE

A. Purpose

The Executive Committee shall be responsible for the execution of the policy of the Atlantic County Democratic Committee in the management and political organization of the Democratic Party and shall guide and co-ordinate political activities and campaigns throughout the county.

B. Membership

The Executive Committee shall consist of the following duly elected officers: the Chairman, the Vice-Chairman, the Secretary, the Assistant Secretary, the Treasurer, Deputy Treasurer and Sergeant at Arms.

ARTICLE IX COMMITTEES

A. Rules Committee

The Chairman shall appoint a Rules Committee consisting of a Parliamentarian and two other members of the County Committee. The Rules Committee shall make recommendations to the Chairman pertaining to these By-Laws and any other procedures of the County Committee.

B. Ad Hoc Committees

The Chairman may create such committees and appoint members thereto, as he deems appropriate from time to time.

ARTICLE X NON-MEMBERS

All elected Democratic County, State and Federal officials representing any portion of Atlantic County, and all Democratic candidates nominated at the primary election for any county, state or federal office to represent any portion of Atlantic County, shall be entitled to attend meetings of the Atlantic County Democratic Committee and shall be given notice thereof by the Secretary.

ARTICLE XI COMMUNICATIONS

All approved minutes of the Executive Committee meetings may be mailed or otherwise transmitted to all members of the Executive Committee. All approved minutes of the Atlantic County Democratic Committee meetings may be mailed or otherwise transmitted to all Municipal Chairmen. Media personnel, audio and/or video recording of the meetings are prohibited unless authorized by vote of the County Committee.

ARTICLE XII AMENDMENTS

A. This Constitution and By-laws may be amended by a two-thirds (2/3) vote of those members present and voting at any regular or special meeting of the Atlantic County Democratic Committee providing that written notice of the proposed amendment, including the exact text thereof, after compliance with section C herein, shall be submitted to each member at least five (5) days before such meeting.

B. Voting for any amendment shall be conducted by show of hands or by secret ballot, with the Secretary and two assistants nominated by the Chairperson, counting the ballots aloud and before the Committee.

C. Any proposed amendment to the Constitution and By-laws shall be submitted to the Chairman at least thirty (30) days in advance of the next regularly scheduled meeting of the Atlantic County Democratic Committee. The Chairman shall appoint a Constitution and By-laws committee to study the proposed amendment to make recommendations on their adoption. The recommendations shall be presented by the Constitution and By-laws committee at the next County Democratic Committee Meeting, at which time it shall be considered and voted on. The adopted amendment(s) shall be implemented immediately upon passage unless indicated otherwise.

ARTICLE XIII PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, to the extent consistent with the Laws of the State of New Jersey, shall govern the Committee in all cases to which they are applicable and in which they are consistent with these By-laws and any special rules of order the Committee may adopt.

ARTICLE XIV PARTIAL INVALIDITY

This Constitution and By-laws shall be governed and construed under the Laws of the State of New Jersey. The invalidity or unenforceability of any provision of these By-laws shall not affect the validity or enforceability of any other provision.

Exhibit “B”



Mary Jo Coutts

3 hrs ·



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go viral**

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