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Director

February 26, 2020

Via ECF

Hon. Brian R. Martinotti, U.S.D.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Courtroom 1
Trenton, New Jersey 08608

Re: Americans For Prosperity v. Grewal, et al.
Case No. 3:19-cv-14228-BRM-LHG

American Civil Liberties Union, et al. v. Grewal, et al.
Case No. 3:19-cv-17807-BRM-LHG

Illinois Opportunity Project v. Holden, et al.
Case No. 3:19-cv-17912-BRM-LHG

Dear Judge Martinotti:

This office represents the Defendants in the above-captioned cases, which have been designated as related. The parties have resolved the American Civil Liberties Union (ACLU) and Illinois Opportunity Project (IOP) cases in their entirety. The parties have agreed in those two cases to enter into consent orders that convert the pending preliminary injunctions into permanent injunctions against enforcement of the challenged statute (S150) against any “independent expenditure committee,” as that term is used in the statute, or its employees or agents. The parties agree to bear their own legal fees and costs. These permanent injunctions will not be limited to the plaintiffs in ACLU and IOP, but will also permanently enjoin enforcement of the statute against others subject to its terms, including Americans

for Prosperity (AFP). Proposed Consent Orders memorializing these terms in the ACLU and IOP cases are attached for your consideration and execution.

The parties in the AFP case are currently discussing a resolution of that case along similar lines to the ACLU and IOP Consent Orders, including AFP's claim for legal fees. We have advised Judge Goodman of the status of the AFP case. A text order was issued yesterday by Judge Goodman in AFP requiring the parties to submit a joint status report to Judge Goodman, including a proposed schedule for any further proceedings, by March 6, 2020, if the parties are unable to resolve AFP in its entirety by that date. We do not believe that the pendency of the AFP matter precludes entry of final judgments in the ACLU and IOP matters.

Thank you for your consideration of this request.

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

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

C: All counsel of record (via ECF)

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

**AMERICAN CIVIL LIBERTIES
UNION OF NEW JERSEY**, a New
Jersey nonprofit corporation, and
**AMERICAN CIVIL LIBERTIES
UNION, INC.**, a District of Columbia
nonprofit corporation,

Plaintiffs,

v.

GURBIR S. GREWAL, in his official
capacity as Attorney General of New
Jersey, **ERIC H. JASO**, in his official
capacity as Chairperson of the New
Jersey Election Law Enforcement
Commission, **STEPHEN M.
HOLDEN**, in his official capacity as
Commissioner of the New Jersey
Election Law Enforcement
Commission, and **MARGUERITE T.
SIMON**, in her official capacity as
Commissioner of the New Jersey

Civil Action No. 19-cv-17807

**CONSENT ORDER CONVERTING
PRELIMINARY INJUNCTION
INTO FINAL JUDGMENT
PERMANENTLY ENJOINING
ENFORCEMENT OF P.L. 2019, c.
124**

Election Law Enforcement
Commission,

Defendants.

THIS MATTER having been brought before the Court by agreement of Jeanne LoCicero, Esq., counsel for Plaintiffs American Civil Liberties Union of New Jersey and American Civil Liberties Union, Inc. (together, “ACLU Plaintiffs”), and Gurbir S. Grewal, Attorney General of New Jersey, by Stuart M. Feinblatt, Assistant Attorney General, counsel for Defendants Gurbir S. Grewal, in his official capacity as Attorney General of New Jersey, Eric H. Jaso, in his official capacity as Chairperson of the New Jersey Election Law Enforcement Commission (ELEC), and Stephen M. Holden and Marguerite T. Simon, in their official capacity as Commissioners of ELEC (together, “Defendants”); and it appearing by the signatures affixed below that the parties agree; and for good cause shown; and

WHEREAS the New Jersey Legislature passed S150 on June 10, 2019, and the legislation was enacted as P.L. 2019, c.124 (“the Act”) on June 17, 2019, upon the signature of Governor Murphy (the term “the Act” does not include the pre-amendment provisions of Title 19, Chapter 44A of the New Jersey Statutes); and

WHEREAS the Act defines the term “independent expenditure committee” and imposes certain legal requirements on entities that qualify as independent expenditure committees; and

WHEREAS on September 10, 2019, the ACLU Plaintiffs filed a Complaint against Defendants in the United States District Court, District of New Jersey, Docket No. 3:19-cv-17807-BRM-LHG, challenging the Act under the First and Fourteenth Amendments to the United States Constitution and Article I of the New Jersey Constitution; and

WHEREAS the Court entered a Consent Order on October 23, 2019 preliminarily enjoining the enforcement of the Act insofar as it imposes any legal requirement on any “independent expenditure committee” (the “Preliminary Injunction” (ECF No. 21)); and

WHEREAS the parties hereto agree to the conversion of the Preliminary Injunction into a final judgment enjoining enforcement of the Act in accordance with the terms set forth herein and the parties further agree to bear their own legal fees

and costs associated with this litigation; THEREFORE, IT IS on this day of 2020,

ORDERED that:

1. The Preliminary Injunction entered in this case on October 23, 2019, is hereby converted to a permanent injunction;
2. The Act is permanently enjoined insofar as it imposes any legal requirement on any “independent expenditure committee,” as defined in the Act, including the ACLU Plaintiffs and their employees or agents;
3. Defendants, and any state officers acting in concert with Defendants or under Defendants’ direction or authority, shall not take any action to enforce, or direct the enforcement of, the Act against any “independent expenditure committee” as defined in the Act, including the ACLU Plaintiffs and their employees and agents, in any respect;
4. The ACLU Plaintiffs and their employees and agents shall not be required to take any action related to the Act;
5. Defendants, and any state officers acting in concert with Defendants or under Defendants’ direction or authority, shall not seek to hold any “independent expenditure committee,” including the ACLU Plaintiffs or their employees or agents, liable for any alleged noncompliance with the Act; and
6. Nothing in this consent order prevents further action by the Legislature or ELEC to enact, promulgate and enforce future legislation and regulations on the subjects addressed by or related to the Act; similarly, nothing in this consent order prevents or bars the ACLU Plaintiffs from seeking relief from any future legislation and regulations as it sees fit; and
7. The parties hereto shall bear their own legal fees and costs.

HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE

We hereby consent to the form, content, and entry of this Order.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

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

DATED: 2/25/2020

By: /s/ Jeanne LoCicero
Jeanne LoCicero, Esq.
Attorneys for Plaintiffs
American Civil Liberties Union
Of New Jersey and American Civil
Liberties Union, Inc.

DATED: 2/25/2020