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July 16, 2024

## VIA ELECTRONIC MAIL

Chairman Leroy J. Jones, Jr.

[info@essexdems.org](mailto:info@essexdems.org)

Chairman Anthony P. Vainieri, Jr.

[info@hudsoncountydems.org](mailto:info@hudsoncountydems.org)

Chairman Nicholas P. Scutari

[ucdcdemocrats@gmail.com](mailto:ucdcdemocrats@gmail.com)

## **Re: 10<sup>th</sup> Congressional District Special Convention**

Dear Chairmen Jones, Vainieri, and Scutari,

This firm represents Mayor Derek Armstead, Brittany Claybrooks, John Flora, Darryl Godfrey, Shana Melius, and Sheila Montague, all candidates for the Democratic nomination for the 10<sup>th</sup> Congressional District in the July 16, 2024 Democratic Special Primary Election, and all of whom seek to be considered by the members of the County Committee when the committee meets pursuant N.J.S.A. 19:13-20 to fill the vacancy on the November 2024 general election ballot. I write to demand that the special convention currently set for Thursday, July 18, 2024, be rescheduled to a date whereby sufficient notice is provided to the committee members and candidates, and that a process is set forth which is consistent with the statute. Your current meeting is not properly noticed, and your proposed "rules" are invalid and inconsistent with N.J.S.A. 19:13-20, and usurp the rights and powers of the county committee members.

On June 4, 2024, 30,180 Democratic voters in your counties cast their ballots for Congressman Payne posthumously, and put their trust in their respective Democratic leaders that you would establish a fair process to permit the duly elected county committee members to select a worthy successor. Over the past several months, 11 candidates have vied for the honor of representing the residents of the 10<sup>th</sup> Congressional District as the Democratic Nominee for the unexpired term. The process you have set forth, and the manner in which you have done so, does

a disservice to the Democratic voters who voted in June, does a disservice to the voters who will vote on July 16<sup>th</sup>, and does a disservice to the 11 candidates who have been working to earn the right to represent the 10th Congressional District, to whom you did not even give the respect of providing notice of the meeting and the procedures in a timely manner.

The notice, the schedule, and the proposed rules appears to be nothing more than an attempt to rig the system for your preferred candidate, LaMonica McIver. It is unclear why the process needs to be skewed in order to help Ms. McIver to win and why she is unable to compete in a fair process on equal footing with the other candidates, but whatever the motivations or political calculations, the process fails to comply with the relevant statute and with your by-laws.

This process is fatally flawed as follows:

1. N.J.S.A. 19:13-20 vests with the chairs solely the power to set a date for the special convention and to do so within seven days of the vacancy. You did not do so within the time required, depriving interested parties with several weeks of additional notice.
2. All of your by-laws require that the meeting notices be sent in writing 5 or 7 days prior to any special meetings, which would include a special meeting to select a candidate for Congress. You did not do so invalidating this meeting.
3. You have promulgated “rules” which you have no power to issue. N.J.S.A. 19:13-20 explicitly provides the committee members at the convention with the sole authority to determine credentialing of voters and the process by which they will use to determine how the meeting will run.
4. You have no power to determine “ballot access” in advance of the meeting and have no legal power to set forth deadlines for submitting letters of intent, setting forth requirements for nomination forms, prohibiting nominations from the floor, or otherwise limiting who the committee members will consider or how they will do so. Again, those issues are explicitly limited to the committee members in the statute.
5. Your “rules” dictate that the candidate receiving the “majority” of votes at the meeting shall receive the endorsement of the Counties. However, “majority” as defined by case law means more than 50%. The rules provide for no process as to how additional rounds of voting would be accomplished until one candidate receives a majority.
6. Finally, the entire process, including running the process in the days leading up to and immediately after the special primary, setting artificial deadlines on short notice, failing to notify all of the candidates competing in the special primary of the convention set forth a process which is not designed to be fair, but to be as lopsided as possible for one candidate to the detriment of others. It is further reported the rules, dates, and procedures were provided in advance to some individuals but not all, further compounding the unreasonable and arbitrary process.

Chairmen Jones, Vainieri, and Scutari

July 16, 2024

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My clients demand that the special convention be rescheduled for a future date where candidates and county committee members can receive reasonable notice consistent with your respective by-laws, and that no there are no efforts to impose arbitrary rules in contravention of the power exclusively reserved to the county committee members pursuant to statute for that meeting.

30,180 voters cast their ballot for a fair process, consistent with the law. If you do not reschedule the meeting and address the issues raised here, we will seek judicial relief to vindicate the rights of those 30,180 voters and ensure that the district county committee representatives, and not the party bosses, select a candidate to represent the People in the House of Representatives.

Very truly yours,

*/s/ Matthew C. Moench*

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