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Democratic-Republican Organiz. v. Kimberly Guadagno

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-3977

DEMOCRATIC-REPUBLICAN ORGANIZATION OF NEW JERSEY;
EUGENE M. LAVERGNE, Esq; FREDERICK JOHN
LAVERGNE; LEONARD P. MARSHALL; SCOTT NEUMAN;
TRACY M. CAPRIONI; KIMBERLY SUE JOHNSON;
DONALD E. LETTON

v.

KIMBERLY GUADAGNO; EDWARD P. MCGETTIGAN;
TIMOTHY TYLER; JOSEPH RIPA; RITA MARIE FULGINITI;
GLORIA NOTI; CHRISTOPHER J. DURKIN; JAMES HOGAN;
BARBARA A. NETCHERT; MARY H. MELFI; PAULA
SOLLAMI-COVELLO; M. CLAIRE FRENCH; ELAINE FLYNN;
JOAN BRAMHALL; SCOTT M. COLABELLA; KRISTIN CORADO;
GILDA T. GILL; BRETT RADI; JEFF PARROTT; JOAN RAJOPPI;
NEW JERSEY REPUBLICAN PARTY; NEW JERSEY DEMOCRATIC
PARTY; JOHN HOGAN

DEMOCRATIC-REPUBLICAN ORGANIZATION OF NEW JERSEY;
EUGENE M. LAVERGNE, Esq; FREDERICK JOHN
LAVERGNE; LEONARD P. MARSHALL; TRACY M. CAPRIONI;
KIMBERLY SUE JOHNSON; DONALD E. LETTON,
Appellants

On Appeal from the United States District Court
for the District of New Jersey
D.C. Civil Action No. 12-cv-05658

JUDGMENT ORDER

Before: FUENTES, SMITH and HARDIMAN, Circuit Judges

Having considered the record on appeal and the decision of the District Court, we affirm substantially for the reasons set forth by the District Court in its thorough and well-reasoned opinion.

We pause to note that the District Court correctly applied the balancing test set forth by the Supreme Court in *Anderson v. Celebrezzi*, 460 U.S. 780, 789 (1983). The District Court concluded that Plaintiffs failed to provide any support or evidence that the ballot placement provisions for political party candidates burdened their independent candidacies. Furthermore, the District Court recognized that New Jersey's interest in maintaining a manageable ballot sufficiently justified its statutory scheme. Additionally, it concluded that Plaintiffs failed to establish that prohibiting them from referencing the names of New Jersey's political parties in their ballot slogan impermissibly burdened their First Amendment rights, and that the State's interest of avoiding voter confusion justified the ballot slogan limitation. We find no error in this analysis. Appellants' request for final declaratory and permanent injunctive relief is dismissed as moot.

Accordingly, it is hereby ORDERED and ADJUDGED by the Court that the judgment of the District Court, entered October 10, 2012, is hereby affirmed.

BY THE COURT,

/s/ Julio M. Fuentes
Circuit Judge

ATTEST:

/s/Marcia M. Waldron
Clerk

DATED: November 5, 2012