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January 9, 2026

BY HAND DELIVERY

Heather Joy Baker, Clerk
Supreme Court of New Jersey
Richard J. Hughes Justice Complex
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**Re: *IMO Tom Malinowski, Petition for Nomination for General Election,
November 8, 2022, for United States House of Representatives New Jersey
Congressional District 7***
Appellate Division Dkt. Nos. A-3542-21; A-3543-21
Supreme Court Dkt. No. 090515

Dear Ms. Baker:

This Firm, along with co-counsel Protect Democracy United, Weissman & Mintz, and Bromberg Law LLC, represents Appellant-Petitioners, the Moderate Party, Richard Wolfe, Michael Tomasco, and William Kibler ("Petitioners"), in the above-captioned matter. Enclosed for filing please find an original and four copies of Petitioners' Notice of Motion for Reconsideration, along with an accompanying Brief in Support of Motion for Reconsideration, Certificate of Service, and certification of no confidential identifiers.

Kindly file the original Notice of Motion, stamp one of the additional copies as "filed," and return the stamped copy to our office by way of the enclosed pre-paid envelope. Please charge the applicable filing fee to this firm's JACS Account No. 000018800, referencing Matter No. 099997-113020.

January 9, 2026

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Thank you for your kind consideration of this request. Please do not hesitate to contact me should you require any additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Noveck". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael R. Noveck

Enclosures

SUPREME COURT OF NEW JERSEY

IN RE TOM MALINOWSKI,
PETITION FOR NOMINATION
FOR GENERAL ELECTION,
NOVEMBER 8, 2022, FOR
UNITED STATES HOUSE OF
REPRESENTATIVES NEW
JERSEY CONGRESSIONAL
DISTRICT 7.

SUPREME COURT OF NEW
JERSEY DOCKET NO. 090515

On Petition for Certification from Final
Judgement of the Superior Court of
New Jersey, Appellate Division Docket
Nos. A-3542-21/A-3543-21

Sat Below:

Hon. Robert J. Gilson, P.J.A.D.

Hon. Lisa A. Firko, J.A.D.

Hon. Lorraine M. Augostini, J.A.D.

**NOTICE OF MOTION FOR
RECONSIDERATION**

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PLEASE TAKE NOTICE that Petitioners hereby move before the Supreme Court of New Jersey for reconsideration of the denial of the petition for certification.

In support of this motion, Petitioners rely upon the enclosed brief.

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Dated: January 9, 2026

IN RE TOM MALINOWSKI,
PETITION FOR NOMINATION
FOR GENERAL ELECTION,
NOVEMBER 8, 2022, FOR UNITED
STATES HOUSE OF
REPRESENTATIVES NEW
JERSEY CONGRESSIONAL
DISTRICT 7

Supreme Court Docket No. 090515

CIVIL ACTION

On Petition for Certification from a
Final Judgment of the Superior Court
Appellate Division

Docket Nos. A-3542-21T2
A-3543-21T2

Sat Below:

Hon. Robert J. Gilson, P.J.A.D.
Hon. Lisa A. Firko, J.A.D.
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January 9, 2026

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¹ Throughout this brief, PCa refers to Petitioners’ Petition for Certification Appendix, and Pa refers to Petitioners’ Appellate Division Appendix.

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PRELIMINARY STATEMENT

This appeal raises the fundamental question of whether New Jersey can prohibit political parties from cross-nominating candidates on the ballot, preventing voters from casting their ballots for their preferred candidate unless they express support for a political party whose values they do not share. Enabling voter choice is a vital constitutional value, especially in this historic moment. Our nation's democratic institutions face unprecedented threats due to mounting polarization and extremism in our rigid two-party political system that, by design, empowers voters only if they support one of those parties.

Petitioners, the Moderate Party and three of its members, seek to play the kind of meaningful role in our political process now reserved to the two major parties, by giving a voice to New Jersey voters who share Petitioners' goals of political moderation and respect for the rule of law, but who are disillusioned with the current system. Enabling them to do so can begin the process of healing the wounds that increasing polarization has inflicted on our democracy. The Appellate Division's decision rejecting Petitioners' claims, if allowed to stand, effectively strips away this hope forever, unless the same major-party politicians who benefit from their current duopoly somehow vote to change it.

The gravity of Petitioners' arguments, the immense public importance of the issues, and the finality of the Appellate Division's decision if not reviewed,

all call out for review by this Court as the final arbiter of our State Constitution’s meaning, regardless of the ultimate outcome. Thus, Petitioners—even as they understand the extraordinary nature of this request—most respectfully seek reconsideration of the denial of their petition for certification, in the hope that calling closer attention to the legal, political, and historical context will persuade the Court to accord this case the full consideration that it requires.

STANDARD OF REVIEW

Petitioners appreciate that *Rule 2:11-6*, permitting reconsideration of the Court’s rulings, is “rarely invoked.” *State v. Lodzinski*, 248 N.J. 451, 457 (2021) (Albin, J., concurring). But the *Rule* serves the valuable purpose of providing the Court with “a mechanism to correct its own mistakes.” *Id.* at 460. Thus, the Court has, in appropriate cases, granted petitions for certification that it previously denied, and subsequently reversed the Appellate Division. *E.g.*, *State v. Carrion*, 249 N.J. 253 (2021); *Puder v. Buechel*, 183 N.J. 428 (2005).

Reconsideration is generally reserved for cases in which the “court . . . overlooked [an] argument that was properly raised in the initial motion.” *Conforti v. Cnty. of Ocean*, 255 N.J. 142, 169 (2023). Petitioners, of course, cannot know the precise basis on which the Court denied their petition, but they respectfully submit that the principles discussed below, properly considered, should persuade the Court to grant certification in this case.

ARGUMENT

THIS CASE PRESENTS AN ISSUE OF EXCEPTIONAL PUBLIC IMPORTANCE FOR THE FUTURE OF OUR DEMOCRACY.

A. American Democracy Is Under Threat from Extreme Polarization and Partisanship, Which Result in Extreme Political Instability.

This case asks the Court to decide whether the “precious and fundamental” rights of political participation guaranteed by our State Constitution, *Worden v. Mercer Cnty. Bd. of Elections*, 61 N.J. 325, 346 (1972), are violated by New Jersey’s anti-fusion laws, which prohibit Petitioners from nominating a qualified, consenting candidate for office, simply because that candidate had also been nominated by another political party. As important as the answer is to Petitioners, the question is also one of potentially transcendent public importance, implicating the future health and durability of our democracy.

This case arrives at the Court’s door at a moment of peril for American self-government. For most of the 20th century, “the two major parties were geographically and ideologically diverse, allow[ing] for frequent bipartisan governance and unique cross-party coalitions” to tackle important problems. Lee Drutman et al., *Reviving the American Tradition of Fusion Voting* (ABA Task Force for Am. Democracy 2024) (text accompanying n.5), <https://tinyurl.com/mw4aeyvm> [hereinafter *Reviving Fusion Voting*]. The parties respected unwritten norms of “mutual toleration” and “forbearance,” shared understandings that one’s political opponent is “legitimate” and that one

ought not abuse the power of office to conduct political warfare. Steven Levitsky & Daniel Ziblatt, *How Democracies Die* 8 (2018). But in recent decades the parties have become far more ideologically distinct and internally homogenous, such that they lack incentive to collaborate, notwithstanding “overwhelming agreement in the electorate on many areas of policy with known and achievable legislative solutions.” *Reviving Fusion Voting* (text accompanying n.2). To the contrary, the parties wield animosity toward the other side as a tool to shape political positions and mobilize support. (Pa154.)

This cycle of polarization has eroded our political norms as the two parties affirm mutually exclusive visions of political and cultural identity, challenge each other’s legitimacy, accuse one another of treason and corruption, and seek to prevent the other’s participation in government. Jennifer McCoy et al., *Polarization and the Global Crisis of Democracy*, 62 *Am. Behavioral Scientist* 16, 19 (2018); (Pa143-49). With the two antagonists reigning as the only electorally relevant parties, their partisans view every political conflict as existential and zero-sum. (Pa143-53.) That worldview lets them rationalize increasingly undemocratic tactics in pursuit of political victory. *Reviving Fusion Voting* (text accompanying n.9); see McCoy, at 16, 19. “The result is legislative gridlock and ineffective governance,” despite widespread public agreement on many areas of public policy. American Bar Association, *2025 Report for the*

ABA Task Force for American Democracy (2025) (text following n.162), <https://tinyurl.com/4mch42n2> [hereinafter *2025 ABA Task Force Report*].

Unending partisan antagonism and gridlock has in turn bred frustration with and disaffection from the two major parties. Recent polls show that more than half of all Americans and roughly two-thirds of independent voters are dissatisfied with our two-party system and desire more choices. Nate Ela, *A Path to Multiparty Democracy*, 86 *Ohio St. L.J.* 1, 3 (2025). In an October 2022 poll, 81 percent of New Jerseyans agreed that “the two-party system in the United States is not working because of all the fighting and gridlock,” with 70 percent concurring that more parties are needed. New America, *New Jersey Voters on Political Extremism, Political Parties, and Reforming the State’s Electoral System*, Nov. 22, 2022, <https://tinyurl.com/ys2wp6vu>.

Because the problems afflicting our two-party system are also self-reinforcing, they have grown worse and—absent reform—will likely continue to do so. See Samuel Merrill III et al., *How Polarization Begets Polarization* (2023) (explaining that polarization causes parties to act in favor of extremist bases instead of the ideological middle); (Pa153-55). This dilemma, where the only two parties permitted to play a meaningful role in the political process increasingly flout democratic norms, delegitimize their opponents, and seek to tilt the playing field against them, opens the door to what some scholars refer to

as “competitive authoritarianism.” Steven Levitsky et al., *The Price of American Authoritarianism*, Foreign Affairs, Dec. 11, 2025, <https://tinyurl.com/y3k8x7fz>.

It is also known as the “two-party doom loop”—a political arms race that “creates tremendous instability and inevitably ratchets up toward the breakdown of liberal democracy [and] the rise of authoritarianism[.]” Lee Drutman, “Escaping the Partisan Death Spiral,” *Cato Pol. Rep.*, Vol. XLII, No. 4, 1, 6 (July/Aug. 2020), <https://tinyurl.com/mwr7h4rt>; see Lee Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* (2020).

Even more troubling, the rising polarization and gridlock are weakening Americans’ faith in democracy itself. Polling shows that public satisfaction with “the way democracy is working in the U.S.” has trended downward since 1998, hitting an all-time low in 2024 and barely increasing in 2025. Jeffrey M. Jones, *Satisfaction With U.S. Democracy Edges Up From Record Low*, Gallup, Jan. 22, 2025, <https://tinyurl.com/49jcdafn>. Pew Research polls conducted in 2023 and 2024 indicate that nearly two-thirds of Americans have little or no confidence in the future of the U.S. political system, and less than one in four believes the federal government “does the right thing” most or nearly all of the time. *2025 ABA Task Force Report* (text accompanying nn.1-2). More Americans, especially younger ones, are “questioning our commitment to a pluralistic, liberal democratic order.” *Reviving Fusion Voting* (text accompanying n.3).

Most worrisome of all, nearly 40 percent of Americans “support authoritarianism as a response to the direction of [U.S.] democracy,” while “less than one-third of Millennials consider it essential to live in a democracy.” *2025 ABA Task Force Report* (text accompanying nn.3-4). As scholars have observed, the more our “democracy” becomes a dysfunctional war between two sides that will not compromise with one another, the greater the likelihood of undemocratic rule by a charismatic strongman who promises to just “get things done.” See Erica Frantz et al., *The Origins of Elected Strongmen* 151-92 (2024).

The U.S. Supreme Court reasoned in *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997), that state bans on fusion voting were constitutional because they promote “political stability” by preserving “a healthy two-party system,” *id.* at 366-67, 369-70—a rationale endorsed by the Appellate Division below (PCa31). Even in 1997, that was a questionable proposition. In 2026, it is clear that the two-party system is anything but healthy or stable.

B. Fusion Voting Can Help Break the Cycle of Political Polarization and Extremism While Vindicating Constitutional Rights.

Fusion voting can play an important role in reversing these frightening trends. When a minor party representing moderate voters disillusioned with the major parties can cross-nominate the competitive major-party candidate that better reflects the party’s values, then, instead of relegation to a “spoiler” role, the party and its voters can help “build[] and shap[e] winning coalitions in a

constructive and collaborative way,” and thus act as a counterweight to an increasingly contentious, zero-sum politics. *Reviving Fusion Voting* (Brief Summary). This approach has numerous salutary (and constitutionally significant) benefits. *See Timmons*, 520 U.S. at 381 (Stevens, J., dissenting) (explaining that fusion enhances constitutional values of political participation by facilitating “robust competition in ideas and governmental policies”).

First, a moderate party’s cross-nomination of a major-party candidate engages disaffected voters by allowing them “to back a candidate with a feasible chance of winning . . . under a party banner that better reflects the voter’s values.” *2025 ABA Task Force Report* (text following n.206). Without fusion voting, third-party voters cannot “use their ballot to register support for their party and their nominee,” *Reviving Fusion Voting* (text preceding n.44), except through “spoiled and wasted votes,” *Ela*, 86 *Ohio St. L.J.* at 7. (*See also Pa*137, 139, 159-61, 173, 207-08, 285.)

Fusion can also temper extremism among candidates and office-holders. Candidates seeking a moderate-party cross-nomination “would have clear incentives to moderate their policy views, behavior, and rhetoric.” *Reviving Fusion Voting* (text accompanying n.37). By voting for major party candidates on a third party’s line, voters signal to their elected representatives the values and interests of their electorate. When officials’ third-party support is sizable

enough, they learn that the minor party's agenda is shared by a significant portion of the electorate, and that their electoral future does not depend exclusively on major-party support. Consequently, elected officials can adjust their legislative behavior based upon their constituency's preferences, and even leverage their third-party support to shape the major-party platform. (Pa137-39, 205; *see also* Pa171-74, 178-81, 196-201, 204-05, 212, 244-46, 283-86.)

Finally, and critically, the electoral coalitions formed by parties united behind a single cross-nominated candidate can reduce the chances that extremist candidates who have only minority support can nonetheless “defeat[] a fractured opposition at the ballot,” the path by which autocrats around the world have repeatedly gained power. *Reviving Fusion Voting* (text accompanying n.35).

These benefits are not hypothetical; they are borne out by the history of fusion voting in America (evidence of which is in the record but which the Appellate Division ignored). For much of the 1800s and early 1900s—until major-party legislators, seeking to cement their control, banned the practice in almost every state—multi-party nomination of candidates for elective office was common and unquestioned throughout the nation. Hon. Lynn Adelman, *The Misguided Rejection of Fusion Voting by State Legislatures and the Supreme Court*, 56 *Idaho L. Rev.* 107, 109-10 (2019); Peter Argersinger, “A Place on the Ballot”: *Fusion Politics and Antifusion Laws*, 85 *Am. Hist. Rev.* 287, 288-90,

296 (1980); (Pa272-74, 371-73, 379, 464).

For example, in the 1850s, cross-nominations by abolitionist third parties played a key role in the collapse of the Whigs and the emergence of the Republicans as the first major party to forcefully oppose slavery. Corey M. Brooks & Beau Tremiere, *Fusing to Combat Slavery: Third-Party Politics in the Pre-Civil War North*, 98 *St. John's L. Rev.* 339, 352-63 (2024). After the Civil War, minor parties fused with Republicans in the South to challenge Jim Crow Democrats, and with Democrats in the North to challenge Gilded Age Republicans. Argersinger, 85 *Am. Hist. Rev.* at 288-90 (Pa371-73). From the mid-1880s to the early 1890s, minor parties held the balance of power in a majority of states in nearly every election. *Id.* at 289 (Pa372). Fusion allowed third parties to gain office, give voice to the needs and demands of their voters, and raise public awareness of new issues and crises, *id.* at 288-90 (Pa371-73), including efforts by the Liberty Party to abolish slavery and the Workingman's Party to establish the 10-hour workday (Pa184). New Jersey was no exception, with parties fusing routinely in local, state, and federal elections. (Pa272-74.)

Minor parties predictably withered in states where fusion was banned, including New Jersey. Renée Steinhagen, *Giving New Jersey's Minor Political Parties a Chance: Permitting Alternative Voting Systems in Local Elections*, 253 *N.J.L.* 15, 16 n.15 (Aug. 2008). But in states such as New York and Connecticut

where fusion still exists today, it “offers a vision of what a well-functioning multiparty democracy could look like” in our nation. Ela, 86 *Ohio St. L.J.* at 8. In particular, it could mitigate the current threats to American democracy by making it possible for third parties to accrue and exercise meaningful political influence, thus loosening the grip of “zero-sum” politics on our current two-party system and disrupting the self-reinforcing “doom loop” of escalating polarization. *Reviving Fusion Voting* (text accompanying n.43).

The Third Circuit’s recent decision in *Kim v. Hanlon*, 99 F.4th 140 (3d Cir. 2024), illustrates how the beneficial effects of fusion voting comport with constitutional values. *Kim* held unconstitutional the “preferential treatment” of “the [major parties] and their leaders” on “county line” primary ballots, *id.* at 147, as an impermissible burden on the associational choices of disfavored political party factions and their candidates, *id.* at 155-57. Because Moderate Party voters are forced to support a major party with which they do not wish to associate in order to cast a general election ballot for their own party’s chosen nominee, the fusion-voting ban also “discriminates based upon . . . associational choices and policy positions.” *Id.* at 156-57. It does not matter that the Moderate Party remains free to nominate a second-choice candidate whose name can appear on the ballot. As *Kim* correctly appreciated, the appropriate question is not just “whether a candidate’s name physically appears on the ballot,” but

“whether the challenged restriction unfairly or unnecessarily burdens the availability of political opportunity.” *Id.* at 157.

Because fusion voting gives life to the “fundamental” constitutional values of political association and rights of suffrage, *Worden*, 61 N.J. at 346, it is unsurprising that “organizations across the ideological spectrum”—from the Cato Institute to the Center for American Progress—support it. *Reviving Fusion Voting* (text accompanying n.30). Commentators have also endorsed fusion as tool for injecting new ideas and leaders in our politics, *e.g.*, Rayman Solomon et al., *The New Jersey Supreme Court’s chance to strengthen democracy*, N.J. Monitor, Aug. 25, 2025, <https://tinyurl.com/3k9dfxmr>, and reducing extremism, *e.g.*, William A. Galston, *Fusion Voting Could Lower the Temperature*, Wall St. J., Oct. 3, 2023, <https://tinyurl.com/3wa4anae>. Petitioners now look to this Court to secure for them the same equality of political opportunity that the court insisted on in *Kim*, and to take an important step toward reclaiming for our nation the genuine democratic stability that *Timmons*, by wrongly insisting that the two party system was healthy and stable, failed to provide.

C. Vindicating the Compelling Public Interest Implicated by This Case Depends on Review by This Court.

Only this Court can vindicate the fundamental constitutional rights and the extraordinary public interest at issue in this case. It would be futile to litigate New Jersey’s fusion voting ban in the federal courts, where the flawed *Timmons*

opinion is a barrier to the relief Petitioners seek. Recent decisions of the U.S. Supreme Court weakening the Voting Rights Act, *see, e.g., Brnovich v. Dem. Nat'l Cmte.*, 594 U.S. 647 (2021); *Shelby County v. Holder*, 570 U.S. 529 (2013), and prohibiting federal judicial review of partisan gerrymanders, *see Rucho v. Common Cause*, 588 U.S. 684 (2019)—a practice that itself contributes to polarization and the degradation of our democracy, *see 2025 ABA Task Force Report* (text accompanying nn.139-162)—give little reason to expect that Court to remove the barrier that *Timmons* erected.

It is precisely in these circumstances, where the federal courts' protection of fundamental political liberties has fallen short, that litigants in Petitioners' shoes must look to this Court to fulfill its longstanding role as "a leader in the reemergence of state constitutional law." Robert Williams, *The New Jersey State Constitution*, 52-53 (2012). Indeed, the Court has "recogniz[ed] the New Jersey Constitution as an alternative and independent source of individual rights" that "may indeed surpass the guarantees of the federal constitution," and accordingly "extend[ed] the guarantees of our State Constitution to a panoply of rights deemed essential to both the quality of individual life and the preservation of personal liberty." *State v. Hunt*, 91 N.J. 338, 360 (1982) (Handler, J., concurring) (citing cases); *id.* at 364-67 (setting forth factors guiding the Court's interpretation of State constitutional rights).

The Appellate Division paid only lip service to this principle. Instead, it relinquished that role to this Court, “the highest court with authority to interpret the State Constitution,” (PCa21), as the final decisionmaker in applying the *Hunt* framework. (See PCa21-22) (“[T]he *New Jersey Supreme Court* sometimes adopts a different interpretation than the United States Supreme Court uses in interpreting similar provisions in the Federal Constitution.” (emphasis added)); (PCa22) (“When the *New Jersey Supreme Court* does depart from federal interpretations, however, *it* does so with good reasons, and *it* carefully considers when *it* will apply a different interpretation.” (emphases added)). The Appellate Division’s deference to this Court in applying the *Hunt* factors is a call for the Court to provide needed clarity and guidance on this crucial topic.

The Appellate Division suggested that, in lieu of judicial action, Petitioners should seek repeal of New Jersey’s anti-fusion laws in the Legislature. With respect, that abdicates the judiciary’s role to enforce democratic values enshrined in the State Constitution. As the U.S. Supreme Court alluded to long ago, legislators cannot be counted on to repeal “restrict[ions]” on the “political process[.]” that serve their own interests. *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 n.4 (1938); see also John Hart Ely, *Democracy and Distrust* 106 (1980) (“Courts must police inhibitions on . . . political activity because we cannot trust elected officials to do so: ins have a

way of wanting to make sure the outs stay out.”).

The Court need not be fully convinced that Petitioners are correct on the underlying merits to conclude that the constitutional issues presented by this case deserve, indeed, cry out for plenary consideration by this Court. Former leaders of both major parties and numerous amici spanning the political spectrum have spoken out about the importance and necessity of judicial review of the State’s anti-fusion laws.² That is all Petitioners request here.

CONCLUSION

The issue presented here is one of immense “public importance,” R. 2:12-4, involving “a substantial question arising under the Constitution of . . . this State,” R. 2:2-1(a). Petitioners therefore respectfully request that the Court reconsider its denial of the Petition for Certification, grant the Petition, and set the case for full merits briefing and oral argument so that—whatever the ultimate outcome—it may be given the full and fair judicial consideration that it requires.

² See Christine Todd Whitman & Robert Torricelli, *Why we need a 3rd political party in New Jersey*, Star-Ledger, Apr. 23, 2023, <https://tinyurl.com/yc5uze9p>; Christine Todd Whitman & Jon Corzine, *Americans desperately need more political choice. NJ could lead the way*, Bergen Record, July 9, 2025, <https://tinyurl.com/4aur4tth>; Udi Ofer, ‘Anti-Fusion Voting’ Laws and the Problem With a Two-Party System, N.J.L.J. (July 17, 2023), <https://tinyurl.com/2m4xbfs5>.

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Dated: January 9, 2026

CERTIFICATION

I hereby certify that this motion for reconsideration is filed in good faith and not for the purposes of delay.

/s/ Lawrence S. Lustberg
Lawrence S. Lustberg

Dated: January 9, 2026



Certification that Submission Contains No Confidential Information or Confidential Personal Identifiers

This form shall be completed by any party who files a document in a public court matter in the Supreme Court or in the Appellate Division of the Superior Court.

1. **Confidential information / confidential personal identifiers** (must select one):

I certify that I have reviewed Rules 1:38-3, 1:38-5, and 1:38-7 and:

- This document does not contain any confidential information or any confidential personal identifiers; **OR**
- This document; previously contained confidential information or confidential personal identifiers, which have been redacted (meaning removed or made anonymous by using fictitious first names or initials, where applicable). The cover of the redacted version of the document contains the word "REDACTED." I acknowledge that a non-redacted version must be filed simultaneously with the redacted version in matters where the confidential information is necessary to the disposition of the matter: **OR**
- This document contains confidential information, but redaction is not required because the document is excluded from public access pursuant to court order, Rule, statute, or other authority. If applicable, skip paragraphs 2 and 3.

2. **Return and resubmission:**

I certify that if any confidential information is discovered in this submission and brought to the court's attention, the court will return the document to me, and I will be responsible to redact or remove the confidential information before resubmission. I understand the court could impose sanctions, including suppression of the brief, dismissal in extraordinary cases, and other measures for a failure to accurately make this certification or for the discovery of confidential information in a document that has been filed.

3. **Briefs posted online:**

I understand that the presence of confidential information or confidential personal identifiers in a document that has been posted on the Judiciary's public website will be grounds for the removal of such online posting, pending correction by the filing party, on an expedited timeline. The court in its discretion could postpone further proceedings pending the resubmission of the document.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

1/9/2026
Date

s/ Michael R. Noveck
Signature

IN RE TOM MALINOWSKI,
PETITION FOR NOMINATION
FOR GENERAL ELECTION,
NOVEMBER 8, 2022, FOR UNITED
STATES HOUSE OF
REPRESENTATIVES NEW
JERSEY CONGRESSIONAL
DISTRICT 7

Supreme Court Docket No. 090515

CIVIL ACTION

On Petition for Certification from a
Final Judgment of the Superior Court
Appellate Division

Docket Nos. A-3542-21T2
A-3543-21T2

Sat Below:

Hon. Robert J. Gilson, P.J.A.D.
Hon. Lisa A. Firko, J.A.D.
Hon. Lorraine M. Augostini, J.A.D.

APPENDIX TO MOTION FOR RECONSIDERATION

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January 9, 2026

TABLE OF APPENDIX

Orders Denying Petitions for Certification, dated December 2, 2026..... PMa1

SUPREME COURT OF NEW JERSEY
C-63 September Term 2025
090515

In re Tom Malinowski,
Petition for Nomination
for General Election,
November 8, 2022, for
United States House of
Representatives New
Jersey Congressional
District 7.

O R D E R

(Moderate Party and Richard
A. Wolfe - Petitioners)

A petition for certification of the judgment in A-3542/3543-21
having been submitted to this Court, and the Court having considered the
same;

It is ORDERED that the petition for certification is denied.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this
2nd day of December, 2025.

A handwritten signature in black ink, appearing to read "Heather J. Baker". The signature is written in a cursive, flowing style.

CLERK OF THE SUPREME COURT

SUPREME COURT OF NEW JERSEY
C-64 September Term 2025
090515

In re Tom Malinowski,
Petition for Nomination
for General Election,
November 8, 2022, for
United States House of
Representatives New
Jersey Congressional
District 7.

O R D E R

(Michael Tomasco and William
Kibler - Petitioners)

A petition for certification of the judgment in A-3542/3543-21
having been submitted to this Court, and the Court having considered the
same;

It is ORDERED that the petition for certification is denied.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this
2nd day of December, 2025.



CLERK OF THE SUPREME COURT

SUPREME COURT OF NEW JERSEY

IN RE TOM MALINOWSKI,
PETITION FOR NOMINATION
FOR GENERAL ELECTION,
NOVEMBER 8, 2022, FOR
UNITED STATES HOUSE OF
REPRESENTATIVES NEW
JERSEY CONGRESSIONAL
DISTRICT 7.

SUPREME COURT OF NEW
JERSEY DOCKET NO. 090515

On Petition for Certification from Final
Judgement of the Superior Court of
New Jersey, Appellate Division Docket
Nos. A-3542-21/A-3543-21

Sat Below:

Hon. Robert J. Gilson, P.J.A.D.

Hon. Lisa A. Firko, J.A.D.

Hon. Lorraine M. Augustini, J.A.D.

CERTIFICATION OF SERVICE

The undersigned certifies that on January 9, 2026, a copy of the Motion for Reconsideration and supporting documents were served by email on the following attorneys (counsel having waived their right to receive paper copies):

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I hereby certify that the foregoing statements made by me are true to the best of my knowledge, information, and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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