

**Commissioners:**

Ronald DeFilippis, Chairman  
 Walter F. Timpone, Vice Chairman  
 Amos C. Saunders, Commissioner  
 Lawrence Weiss, Commissioner  
 Andrew M. Baron, Legal Counsel

# ELEC-Tronic

AN ELECTION LAW ENFORCEMENT COMMISSION NEWSLETTER

"Furthering the Interests of an Informed Citizenry"

Election Law Enforcement Commission, P.O. Box 185, Trenton, NJ 08625  
[www.elec.state.nj.us](http://www.elec.state.nj.us) (609) 292-8700 - Toll Free Within NJ 1-888-313-ELEC (3532)

**Directors:**

Jeffrey M. Brindle  
 Joseph W. Donohue  
 Carol L. Hoekje  
 Amy F. Davis  
 Carol Neiman  
 Linda White  
 Todd J. Wojcik  
 Steven M. Dodson  
 Shreve Marshall

## Comments from the Chairman Ronald DeFilippis

During the year, and leading up to the November election, I have highlighted various provisions in the Campaign Contributions and Expenditures Reporting Act.

In this column I will discuss the 48-hour notice rule.

Besides the requirement for campaign treasurers to file reports 29 and 11 days before an election, filings are required when contributions are received or expenditures made immediately before an election.

A campaign that receives a contribution or a loan of more than \$1,200 between the 13<sup>th</sup> day before an election and Election Day is required to report that contribution within 48-hours to the Commission.

The time period includes the 13<sup>th</sup> day prior to election and Election Day itself.

Filed on a Form C-1, the report must contain the following information:

1. the name of the candidate committee or joint candidates committee receiving the contribution;
2. the date the contribution was received;
3. the amount of the contribution;
4. the name and mailing address of the contributor; and,
5. in the case of an individual, his or her occupation and the mailing address of his or her employer.

Likewise, when an expenditure is made amounting to more than \$1,200 by a candidate or joint candidates committee between the 13<sup>th</sup> day prior to an election and up to and including Election Day, the candidate committee must report the expenditure to the Commission within 48-hours.

The rule only applies, however, when an expenditure is made to support or defeat a candidate for a different office than the one the candidate is running for. It does not apply when the candidate makes an expenditure to support his own candidacy (or members of his joint candidate committee) or to defeat his opponent running for the same office.

The 48-hour notice rule applies to public questions as well.

... Continued on page 2.

### INSIDE THIS ISSUE

- 1 [Comments from the Chairman](#)
- 2 [Executive Director's Thoughts](#)
- 3 [White Paper No. 22 – Trends in Legislative Campaign Financing: Fundraising in the Era of Pay-to-Play Reform, Self-Funders and Recession – 1999-2009 3<sup>rd</sup> Volume](#)
- 4 [ELEC Director and State Comptroller Attack Short Coming in Local Pay-to-Play Laws](#)
- 5 [Joseph Barish "Profile"](#)
- 6 [Training Seminars](#)

## Comments from the Chairman Ronald DeFilippis

*Continued from page 1.*

Filed on a Form E-1, the following information is required:

1. the name of the candidates or joint candidates making the expenditure;
2. the name of the person, firm, or organization to whom or which the expenditure was paid; and,
3. the amount and purpose of the expenditure.

The C-1 and E-1 forms can be obtained on the Commission's website at [www.elec.state.nj.us](http://www.elec.state.nj.us) and may be faxed to the Commission.

Disclosure during this period immediately before the election helps to make the campaign financing aspect of elections as transparent as possible. Failure to do so is harmful to the public interest and subject to civil penalties.

## Executive Director's Thoughts Jeff Brindle

The challenge for campaign finance regulators in the new media environment is how to maintain transparency while not infringing on free speech rights.

New media opened up numerous opportunities for candidates to communicate with voters. It has introduced innovative ways to raise money and target individual voters. It has allowed operatives to identify clusters of voters and their positions on issues. It has given people opportunities to more readily communicate their own views to governmental officials. And it has encouraged participation in the electoral process.

New media has moved our society more toward direct democracy and away from republicanism.

Technology is refreshing our democratic tendencies in ways that a decade ago may have been unimaginable. It is transforming our politics and political campaigns. At the same time it is jeopardizing transparency.

One recent issue involves texting contributions. Raising money through texting would certainly

make fundraising easier. Online fundraising would also facilitate fundraising. Websites, twitter and Facebook accounts all open up new avenues for raising campaign dollars.

But with texting and online fundraising challenges to disclosure arise. By discarding the traditional contribution arrangement between donor and candidate, accurate disclosure may be harmed.

Disclosure of spending by campaigns is also endangered by new media. A new computer application for smart phones, called visible vote, allows give and take between public officials and constituents regarding votes on issues and other matters. This software joins with other new media in enhancing direct communications between public officials and their constituents. While a good thing, it is fraught with pitfalls for disclosure.

How much of the communication is issue oriented and how much is campaign related?

Campaigns, moreover, are increasingly turning to robo-calls to contact voters. Though federal regulations require the caller to be identified (and the caller's telephone number), the person or organization paying for the call may remain anonymous.

New Jersey law, by requiring the entity paying for the robo-call to be disclosed, does take the federal rule further. However, enforcement of robo-call disclosure can be tricky. Voters can see a television advertisement, hold mailers in their hand or look up at a campaign billboard. Unlike other media outlays, robo-calls pretty much vanish without a trace unless someone records their phone calls. And, even then, the calls are hard to trace if there is no identification.

In the absence of voluntary disclosure by those paying for robo-calls, enforcing disclosure is very difficult. It can consume many staff hours, time, and expense obtaining phone and consultant records, etc. That has not stopped ELEC from enforcing the law, including cases involving robo-calls.

The challenge for regulators is to not only stay on top of the technology boom but to develop ways to insure disclosure while not impeding free and open political dialogue.

## White Paper No. 22

### Trends in Legislative Campaign Financing: Fundraising in the Era of Pay-to-Play Reform, Self-Funders and Recession 1999-2009 3<sup>rd</sup> Volume

Legislative candidates raised \$194 million and spent \$179 million on campaigns since 1999, according to a new analysis by the New Jersey Election Law Enforcement Commission.

The spending figure is nearly twice the \$93 million outlay during the previous decade. However, the latest decade began a lot better than it ended for most candidates.

Most of the spending surge took place between 1999 and 2005. By decade's end, tough state pay-to-play restrictions combined with the recession put the brakes on fundraising.

"The 2009 legislative election was the first all-Assembly campaign in at least 25 years where spending was lower than the previous election," said Joe Donohue, ELEC's Deputy Director and author of the study.

"Fundraising definitely is in a funk. It will be interesting to see if the trend continues in this year's legislative election," he said. All 120 legislative seats are up for reelection this November.

Other findings of the analysis, entitled "Trends in Legislative Campaign Financing: Fundraising in the Era of Pay-to-Play Reform, Self-Funders and Recession- 1999-2009, 3<sup>rd</sup> Volume":

The 14<sup>th</sup> Legislative District (Mercer, Middlesex) has earned its reputation as the State's biggest battleground district. It has attracted more than \$14 million since 1999, the most of any district, and was the only district statewide where more than \$1 million was spent in all six elections. The other districts that ranked in the top five for spending during the past decade were the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 12<sup>th</sup>.

The most expensive single legislative campaign ever took place in the 4<sup>th</sup> District (Gloucester, Camden) in 2003, when both parties shelled out \$6.1 million.

Two wealthy gubernatorial candidates, Democrat Jon Corzine and Republican Doug Forrester, were major contributors to legislative races during the past decade. They provided as much as \$1.1 million directly, and possibly another \$2.3 million through county parties. The combined total is about 1.8 percent of the total funds raised by legislative candidates during the past decade.

An increasing number of legislators are helping to bankroll their campaigns.

Perhaps due to pay-to-play restrictions, legislators are sharing more of their campaign funds with fellow legislators and depending more heavily on contributions from special interest political action committees.

Since 1999, at least \$84 million was spent on various forms of communications, or at least 52 percent of all spending.

Reports filed by legislative candidates tended to be more precise in detailing their contributions than their expenditures. Candidates are particularly vague in detailing large communications expenses. Steps need to be taken to improve disclosure of expenditure information.

The latest ELEC "White Paper" research report, as well as past studies, are available by contacting ELEC at 609-292-8700, or on its website at [www.elec.state.nj.us](http://www.elec.state.nj.us).

## ELEC Director and State Comptroller Attack Short Coming In Local Pay-To-Play Laws

ELEC Executive Director Jeff Brindle appeared with Comptroller Matthew Boxer on September 15 at a news conference intended to spotlight a glaring deficiency in local Pay-to-Play laws.

The Comptroller unveiled a report by his staff entitled "Weaknesses in the Pay-to-Play Law's 'Fair and Open' Contracting System."

The loophole allows local officials to award contracts to firms that are major contributors if there is at least token advance public notice about the contracts. It does not require the local governmental entity to award contracts only to the lowest bidder.

The Comptroller's report found that this system is too lax to avoid potential abuses. "In practice, the system of fair-and-open has multiple weaknesses. As a result, it presents few, if any, real obstacles to a government entity seeking to award a contract to a politically favored vendor."

The Comptroller urged that the Legislature consider either amending the current system to require more competitive contracting, or abolishing the "fair-and-open" loophole entirely and requiring that tougher state restrictions on contractors apply to all governmental levels.

The second recommendation and other changes intended to strengthen the Pay-to-Play law were endorsed by the bipartisan New Jersey Election Law Enforcement Commission in April 2010. In his prepared remarks, Brindle elaborated on the Commission's proposal.

Here are those remarks:

### [Pay-To-Play Conference](#)

**September 15, 2011**

Statement by: Jeff Brindle, Executive Director  
New Jersey Election Law Enforcement Commission

I want to thank Comptroller Boxer for inviting me today to participate in this press conference.

On behalf of the New Jersey Election Law Enforcement Commission, I would like to congratulate the Comptroller and his staff for an excellent report and for drawing attention to this glaring weakness in the Pay-to-Play law.

Without question, the bidding laws need to be strengthened. I would like to express my strong support for the Comptroller's recommendation and to call for reforms to be made.

As you may know, ELEC, which primarily is responsible for the disclosure aspect of Pay-to-Play, has called for a series of changes to the law.

First, the bipartisan Commission has called for one state law to apply across the board. This would simplify matters greatly. The current maze of local and state laws is terribly confusing.

Second, the Commission has called for an end to the "fair and open" loophole.

Third, we propose that any public contractor receiving a contract over \$17,500 file an annual report with our agency that lists their contributions and public contracts. The current disclosure threshold is \$50,000 in contracts statewide.

Finally, we believe that the contribution limits for contractors should be raised modestly to help address fundraising concerns. What we don't want is to discourage participation in the process, either through making contributions or otherwise.

Combined with competitive bidding reform as suggested by the Comptroller, together these changes would, I believe, constitute the strongest Pay-to-Play law in the nation.

Hopefully, by joining forces, the Comptroller's office and ELEC can bring about meaningful reform in this vital area.

Unfortunately, New Jersey's political history is littered with examples of private contractors securing lucrative public contracts through targeted contributions.

Tighter contracting rules, a simpler Pay-to-Play system and more complete disclosure of contributions, particularly by contractors, is critical to deterring this sort of corruption.

## Joseph Barish "Profile" Assistant Compliance Officer

Joseph Barish is the Renaissance Man of the New Jersey Election Law Enforcement Commission (ELEC).

As a young college student, he helped get-out-the-vote in northeast Philadelphia as a campaign volunteer. He once sold toys. He trained to be a pilot at one point. He owned a popular supermarket/deli known for its hefty hoagies. He was a caterer. He owned an advertising business.

Barish, who now gives seminars to candidates and treasurers, trained business clients and taught some college classes. He was a real estate investor. He currently works as a volunteer for the Trenton Area Soup Kitchen in his spare time. He, along with family members, may be seen helping out at Race-For-The-Cure on the parkway on Mothers' Day.

"I admit I've had a George Plimpton kind of life," said Barish, referring to the late acclaimed journalist who parlayed stints in professional football, ice hockey, golf, bridge and even standup comedy into best-selling books. Barish has yet to write any books. But who knows?

Barish's career path led six years ago to ELEC, where the affable, upbeat Assistant Compliance Officer helps guide candidates and treasurers through the maze of campaign finance regulations and laws. He has never enjoyed a job more.

"I don't look at this as going to work. This is more like a passion I enjoy," said Barish.

Barish's eclectic past has been good preparation for his work at ELEC.

As a salesman, he interacted with a wide variety of people. As a teacher, he conveyed complicated concepts in simple terms. Throughout life, he learned the power of perseverance; "Don't Quit" is an affirmation poster that hangs on his wall.

One example- while as a young man he had to drop out of college to help support his family, nearly three decades later he earned his Bachelor of Science degree in social sciences at Thomas Edison State College.

"My wife Estelle says I'm very patient. I hate loose ends. I won't give up on trying to fix a toaster until it's fixed," he said. Barish applies that same resolute spirit to ensuring that candidates and treasurers understand all their campaign finance reporting obligations.

He said he's especially proud when candidates call back a second time and ask for him by name, or recommend that others call him back as well.

Aside from his volunteer work, Barish enjoys long walks with his wife and spending time with their children and their three grandchildren- Lila, Benjamin and Siena.

With such a long and varied career, it's not surprising Barish has many stories. He once met Doylestown native James Michener, the late best-selling author, at a cookout. "I told him I was in the show "South Pacific" (based on a Michener novel) in high school," Barish said.

He especially enjoys reminiscing about his former deli now that he works at ELEC, an anti-corruption agency.

The deli was located in Doylestown, PA, the county seat of Bucks County. Menu items like shrimp salad all were named after official positions in local or county government.

"I used to say you could buy anyone at Barish's- The District Attorney, the Sheriff, the Chief of Police. They were all for sale," he said with a chuckle, and with tongue in cheek.

## TRAINING SEMINARS

The seminars listed below will be held at the Offices of the Commission, located at 28 West State Street, Trenton, New Jersey. Seminars are conducted at 10:00 a.m.

RSVP by mailing the form back to ELEC, PO Box 185, Trenton, NJ 08625-0185. Or, you may fax the form to ELEC at (609) 633-9854.

	DATE
<b>TREASURER TRAINING FOR CANDIDATES AND COMMITTEES</b> <a href="#">Treasurer Training Reservation Form</a>	10/3/2011
<b>TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS</b>	12/14/2011
<b>R-1 ELECTRONIC FILING SOFTWARE (REFS)</b> <a href="#">REFS Training Reservation Form</a>	10/4/2011

## DATES TO REMEMBER

### Reporting Dates

	PERIOD COVERED	REPORT DUE DATE
<b>GENERAL ELECTION** - NOVEMBER 8, 2011</b>		
29-day pre-election	6/25/11 - 10/7/11	10/11/2011
11-day pre-election	10/8/11 - 10/25/11	10/28/2011
20-day post-election	10/26/11 - 11/25/11	11/28/2011
48 Hour Notice Reports Start on 10/26/11 through 11/8/11		
<b>PACS &amp; CAMPAIGN QUARTERLY FILERS</b>		
3 <sup>rd</sup> Quarter	7/1/11 - 9/30/11	10/17/2011
4 <sup>th</sup> Quarter	10/1/11 - 12/31/11	1/17/2012

\*\* Form PFD-1 is due on April 21, 2011 for Primary Election Candidates and June 17, 2011 for Independent General Election Candidates.

[Late and non-filing of reports are subject to civil penalties determined by the Commissioners](#)