



# ELEC-TRONIC

An Election Law Enforcement Commission Newsletter

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**"Furthering the Interest of an Informed Citizenry"**

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## In This Issue

- Comments from the Chairman
- Executive Director's Thoughts
- Advisory Opinion No. 01-2014
- Christopher Vigale "Profile"
- Training Seminars
- Lobbying Reporting Dates
- Reporting Dates

## Website:

[www.elec.state.nj.us](http://www.elec.state.nj.us)

## **Comments from the Chairman Ronald DeFilippis**

In early March, the Commission will issue its yearly analysis of lobbying financial activity in New Jersey.

Every February 15<sup>th</sup>, Governmental Affairs Agents and/or Represented Entities (lobbyists) are required to file reports with the Commission summarizing their financial activity during the previous year.

Reports are required on a quarterly basis as well. But quarterly reports involve a lobbyist's activity; or in other words, what bills, regulations, and contracts lobbyists are lobbying on.

In terms of the annual financial report, any Governmental Affairs Agent or Represented Entity that receives or expends more than \$2,500 in the previous calendar year is required to disclose financial activity to the Commission.

Information to be disclosed involves financial activity which is undertaken for the purpose of communication with or providing benefits to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch.

The communications and benefits are to be reported when done for the purpose of influencing legislation, regulations, or governmental processes.

Governmental processes include contracts, grants, permits, rate setting, executive orders, fines and penalties, and procedures for purchasing.

In addition to reporting direct communications and benefits, grassroots lobbying is also required to be disclosed. Therefore, any individual or group spending in excess of \$2,500 to communicate with the public in an attempt to influence legislation or regulation must disclose this activity to the Commission.

This requirement not only covers registered lobbyists but non-registered individuals who engage in issue advocacy with the public.

As in past years it can be anticipated that a significant amount of money will have been spent on lobbying in 2013.

In 2012, \$58,032,148 was spent by lobbyists. While this amount was down by 22 percent from the previous year, it is in line with trends in lobbying spending since 2008.

In other words, lobbying spending has remained relatively stable since 2008.

Besides providing summary information about overall lobbying activity, the analysis will provide financial information involving five general categories. The categories are in-house salaries, compensation to contract lobbying firms, communication, support personnel, and travel and lodging.

Moreover, the analysis will set forth the top ten lobbyists in terms of communication spending, the top ten special interest groups in terms of total spending, and the top ten contract lobbying firms in terms of total receipts.

All in all, the report that will be released in early March will provide the public with a comprehensive view of lobbying activity at the State level.

Unfortunately, while the Commission believes that a significant amount of money is being spent lobbying local governments, the law only requires lobbyists and governmental agents to report activity at the State level.

As part of its annual report proposals, the Commission has recommended that the statute be amended to requiring lobbying at the local level of government to be reported.

This would provide a truly complete picture of lobbying activity in New Jersey.

For further information about the lobbying law and guidelines for filing, visit the Commission's website at [www.elec.state.nj.us](http://www.elec.state.nj.us).

## Executive Director's Thoughts Jeff Brindle

### HAS A MORE INDEPENDENT ELECTORATE BROUGHT LOWER TURNOUT?

*Reprinted from Politickernj.com*

There is always a subplot to a play. The subplot in last year's statewide election was the miserably low turnout.

While the main storyline involves the outsized influence of independent groups, the 39 percent turnout rate was the lowest in modern history.

In recent columns, I have been writing about the importance of political parties and how they are being out flanked by the increasing dominance of independent groups. These columns have called for the strengthening of political parties as one way of offsetting the influence of these unregulated and anonymous groups.

But there is a second important reason for strengthening the parties. They may be one answer to reversing the woefully low voter turnout rate.

There is an inverse relationship between voter turnout and party identification. As the number of New Jersey voters identifying themselves as independent has increased, voter turnout has declined.

In the 1949 election for governor, the first following the adoption of the State's Modern Day Constitution, 76 percent of voters turned out to vote.

Since that time, the participation rate steadily declined, ending up at 39 percent in 2013.

Meanwhile, the number of independent voters was increasing. Though data is not available for the 1940's through the 1960's, 38 percent of New Jersey voters were unaffiliated in 1971 compared with 55 percent today.

From data available involving the national electorate, 19 percent of voters were independent in 1940 compared with 44 percent today.

With New Jersey historically a strong party state, it is a safe assumption that the state followed the same trend.

The decline in party identification and subsequent weakening of the party system certainly is not the only reason for decreased voter participation rates.

The changing political culture involving greater interest in single issue politics, suburbanization, cynicism due to Vietnam, Watergate, and the Clinton impeachment proceedings, and a less rooted society, all play a role in this drama.

But so does the decline in party strength.

Political parties are highly regulated and accountable. They are organically linked to the political and governmental processes. They link citizens to government and provide guidance for voting.

Not only do they contest elections but they organize government, provide continuity between elections, and hold officeholders accountable for their actions.

In today's celebrity politics, oversized influence of independent groups, and 24 hour media saturation, bringing back the parties is critical.

Numerous columns and ELEC analyses have highlighted the enhanced influence of outside groups compared with political parties.

Over \$40 million was spent by independent groups in this past gubernatorial and legislative election. This figure is three times that which was spent by the state parties and legislative leadership committees.

This certainly is a reason to strengthen the parties. But so too is the fact that enhancing party strength may also enhance voter turnout.

## **ADVISORY OPINION NO. 01-2014 POST CAMPAIGN SPENDING AND FUNDRAISING BY A GUBERNATORIAL CAMPAIGN COMMITTEE**

**By Joe Donohue, Deputy Director**

During a special meeting on February 11, 2014, the Election Law Enforcement Commission (ELEC) voted 2-0 to approve an advisory opinion requested on behalf of the Chris Christie for Governor Inc. campaign committee.

The multi-part ruling concluded it is permissible:

1. For the committee to use its funds to pay expenses required to respond to a subpoena received from a special legislative investigatory panel.
2. For the committee to use its funds to pay expenses incurred in responding to a subpoena received from a federal grand jury. The committee's attorney certified that the committee presently is not a target of the federal grand jury investigation, and that the campaign will not use the funds for legal fees for any individual. The Commission also decided the expenses are acceptable because there is a public interest in seeing that the investigation moves as swiftly as possible. Should the committee become a target, the committee is required to return before the Commission for further guidance.
3. For a committee to make the above-mentioned expenses after the election because they do not jeopardize the level playing field envisioned by the public finance law, and because gubernatorial candidates are allowed to spend funds after the election to pay off debts or for the necessary cost of closing the campaign.
4. For the committee to raise additional funds if necessary to pay the subpoena-related expenses as long as contributors abide by the \$3,800 contribution limit that applied to the 2013 gubernatorial campaign, and are informed of the intended use.
5. Because the expenses are not subject to the overall expenditure limit that applies under the Gubernatorial Public Financing Program. The committee has no public funds left in its account, and will not use any public funds to defray subpoena-related expenses.
6. For the committee to take more than six months if necessary to satisfy its campaign liabilities.

Here is a link to the full advisory opinion:

<http://www.elec.state.nj.us/pdf/files/ao/2014/ao012014.pdf>

## CHRISTOPHER VIGALE “PROFILE”

### Assistant Compliance Officer

By Joe Donohue, Deputy Director

When Christopher Vigale graduated from college in 2003, he didn't dream he would work one day at the Election Law Enforcement Commission (ELEC).

"It's embarrassing to say now, but I didn't even know this agency existed," said Vigale, now an Assistant Compliance Officer at ELEC.

As a political science major at Rutgers University in Camden, Vigale said his main focus was the judiciary, not issues like campaign financing.

Still, Vigale was glad to land a job at ELEC in 2005 because it more closely fit his educational background.

"I felt like this was a bit more tied into the political process," he said. He previously had worked at a law firm and a mortgage company.

Part of Vigale's job is to help lobbyists and candidates understand and follow agency rules. Like all Assistant Compliance Officers, he spends three hours daily answering telephone calls.

"I try to give people as much information as possible," he said. Vigale said he understands the frustration people feel when they call government agencies or private companies and get the runaround. He helps to make sure that doesn't happen when they call ELEC.

"You don't want to leave them in the dark. They are calling for a reason," he said.

One example of confusion he tries to clear up is when candidates use their own money to pay for campaign expenses. Some candidates assume that since the money is coming out of their pockets, they don't have to report it.

Vigale politely explains that all campaign spending has to show up on their reports if they spend more than a certain amount on their campaigns.

Like other employees with his title, Vigale also helps to code disclosure reports submitted to the agency, and sometimes helps reporters, legislative staff members and others who use the agency's public document room.

Born in Willingboro and raised in Palmyra, Vigale now resides in South Jersey with his wife Jessica and toddler son Eli.

His father Ernie was a computer programmer. His mother, Frances, supervises a title company.

Vigale, a big fan of science fiction films, graphic novels and comics, was influenced by his dad's viewing habits. His father gravitated to shows like "Star Trek" and films like "Logan's Run" and "Andromeda Strain."

Some of Vigale's own favorites: "Fahrenheit 451," "Rollerball," "District 9," and "Attack the Block."

He also grew up enjoying classical music - he once played the piano- and opera, as well as other arts. "For me, it wasn't sports. It was reading Shakespeare, the Odyssey, and so on. I've always been more arts driven," he said.

Vigale finds "writing comes easy to me" and he has written reviews and other Internet blog items on films, comics and dvds.

## TRAINING SEMINARS

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ. Please visit ELEC's website at <http://www.elec.state.nj.us> for more information on training seminar registration.

<b>BUSINESS ENTITY PAY-TO-PLAY TRAINING</b>	
March 14, 2014	10:00 a.m.
March 26, 2014	10:00 a.m.
<b>TREASURER TRAINING FOR CANDIDATES AND JOINT CANDIDATES COMMITTEES</b>	
March 18, 2014	10:00 a.m.
April 2, 2014	10:00 a.m.
April 22, 2014	10:00 a.m.
September 11, 2014	10:00 a.m.
September 30, 2014	10:00 a.m.
<b>TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS</b>	
March 19, 2014	10:00 a.m.
June 26, 2014	10:00 a.m.
September 23, 2014	10:00 a.m.
December 10, 2014	10:00 a.m.
<b>R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING</b>	
March 20, 2014	10:00 a.m.
April 3, 2014	10:00 a.m.
April 23, 2014	10:00 a.m.
July 23, 2014	10:00 a.m.
September 9, 2014	10:00 a.m.
October 1, 2014	10:00 a.m.

## LOBBYING REPORTING DATES

	INCLUSION DATES	ELEC DUE DATE
<b>Lobbying Quarterly Filing</b>		
1 <sup>st</sup> Quarter	1/1/14 – 3/31/14	4/10/14
2 <sup>nd</sup> Quarter	4/1/14 – 6/30/14	7/10/14
3 <sup>rd</sup> Quarter	7/1/14 – 9/30/14	10/10/14
4 <sup>th</sup> Quarter	10/1/14 – 12/31/14	1/12/15

## REPORTING DATES

	INCLUSION DATES	REPORT DUE DATES
<b>Fire Commissioner - 2/15/2014</b>		
29-day pre-election	Inception of campaign* - 1/14/14	1/17/2014
11-day pre-election	1/15/14 - 2/1/14	2/4/2014
20-day post-election	2/2/14 - 3/4/14	3/7/2014
48 Hour Notice Reports Start on 2/2/2014 through 2/15/2014		
<b>School Board Election - 4/23/2014</b>		
29-day pre-election	Inception of campaign* - 3/22/14	3/25/2014
11-day pre-election	3/23/14 - 4/9/14	4/14/2014
20-day post-election	4/10/14 - 5/10/14	5/13/2014
48 Hour Notice Reports Start on 4/10/2014 through 4/23/2014		
<b>May Municipal Election - 5/13/2014</b>		
29-day pre-election	Inception of campaign* - 4/11/14	4/14/2014
11-day pre-election	4/12/14 - 4/29/14	5/2/2014
**20-day post-election	4/30/14 - 5/30/14	6/2/2014
48 Hour Notice Reports Start on 4/30/2014 through 5/13/2014		
<b>Runoff Election (June)** - 6/10/2014</b>		
29-day pre-election	No Report Required for this Period	
11-day pre-election	4/30/14 - 5/27/14	5/30/2014
20-day post-election	5/28/14-6/27/14	6/30/2014
48 Hour Notice Reports Start on 5/28/14 through 6/10/14		
<b>Primary Election - 6/3/2014</b>		
29-day pre-election	Inception of campaign* - 5/2/14	5/5/2014
11-day pre-election	5/3/14 - 5/20/14	5/23/2014
20-day post-election	5/21/14 - 6/20/14	6/23/2014
48 Hour Notice Reports Start on 5/21/14 through 6/3/14		
90 Day Start Date: 3/5/14		
<b>General Election - 11/4/2014</b>		
29-day pre-election	6/21/14 - 10/3/14	10/6/2014
11-day pre-election	10/4/14 - 10/21/14	10/24/2014
20-day post-election	10/22/14 - 11/21/14	11/24/2014
48 Hour Notice Reports Start on 10/22/14 through 11/4/14		
<b>Runoff Election** - 12/2/2014</b>		
29-day pre-election	No Report Required for this Period	
11-day pre-election	10/22/14 - 11/18/14	11/21/2014
20-day post-election	11/19/14 - 12/19/14	12/22/2014
48 Hour Notice Reports Start on 11/19/14 through 12/2/14		
<b>PACs, PCFRs &amp; Campaign Quarterly Filers</b>		
1 <sup>st</sup> Quarter	1/1/14 - 3/31/14	4/15/2014
2 <sup>nd</sup> Quarter***	4/1/14 - 6/30/14	7/15/2014
3 <sup>rd</sup> Quarter	7/1/14 - 9/30/14	10/15/2014
4 <sup>th</sup> Quarter	10/1/14 - 12/31/14	1/15/2015

\* Inception Date of Campaign (first time filers) or from January 1, 2014 (Quarterly filers).

\*\* A candidate committee or joint candidates committee that is filing in a 2014 Runoff election is not required to file a 20-day post-election report for the corresponding prior election (May Municipal or General).

\*\*\* A second quarter report is needed by Independent General Election candidates if they started their campaign before May 6, 2014.