



*State of New Jersey*

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AMOS C. SAUNDERS  
Vice Chair

ALBERT BURSTEIN  
Commissioner

RONALD DEFILIPPIS  
Commissioner

## ELECTION LAW ENFORCEMENT COMMISSION

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Legal Director

EVELYN FORD  
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Legal Counsel

### PUBLIC SESSION MINUTES

July 20, 2010

Chair English, Vice Chair Saunders, Commissioner Burstein, Commissioner DeFilippis, Legal Counsel Wyse, and Senior Staff were present. Special Programs Director Amy Davis and Associate Director of Review and Investigation Shreve Marshall were present. Report Review Officer Lovinsky Joseph was also present for the purpose of recording the minutes. Executive Director Jeffrey Brindle and Legal Director Carol Hoekje were absent.

The Public Session Minutes will be available online in the Commission's website at: <http://www.elec.state.nj.us>.

The meeting convened at 11:00 a.m. in Trenton.

#### 1. Open Public Meetings Statement

Chair English called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps. It was also posted on the Commission's website.

The Chair welcomed new Commissioner Ronald DeFilippis and stated the importance of bipartisanship in the Commission's continued success. She reminded the Commissioners of their continued responsibilities and praised the openness and professionalism of staff in both enforcement and informative roles.

The Chair noted that the Commission had yet to receive the affidavit recording Commissioner DeFilippis' Oath of Office, but stated that the Commission would obtain it by the next meeting, with subsequent record in the minutes.

On a motion by Vice Chair Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission approved the recognition of Commissioner DeFilippis' Oath of Office and placement in the succeeding minutes.

2. Approval of Public Session Minutes of June 15, 2010

On a motion by Vice Chair Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission approved the Public Session Minutes of June 15, 2010, as amended by Chair English.

3. Executive Director's Report

Deputy Director Joseph Donohue presented the Executive Director's Report.

A. Introduction of Commissioner DeFilippis

Deputy Director Donohue welcomed new Commissioner Ronald DeFilippis, and expressed satisfaction that the Commission once more has a full complement. He thanked the Governor's Office and the Legislature for processing Commissioner DeFilippis' appointment expeditiously.

The Deputy Director praised Commissioner DeFilippis' experience in accounting and as a campaign treasurer as valuable assets for the Commission.

B. Commissioner Ethics Training

Deputy Director Donohue reminded the Commissioners that under a 2005 Executive Order #41, Commissioners are required to take online ethics training. The Deputy Director reported that the training requires less than an hour to complete, and members will receive confirmation from the State Ethics Commission upon submission.

Deputy Director Donohue requested that the Commissioners complete the training by August 20, as the Commission must submit a certification confirming that the training has been completed to the Governor's Authorities Unit by August 25, 2010.

C. State Records Committee Certification

Deputy Director Donohue informed the Commissioners that he had received notice from Director of Information Technology Carol Neiman that the Commission's Public Records Image Processing System was certified by the State Records Committee on June 17, 2010. He noted that obtaining the certificate meant that the Commission's digital images were now official legal documents.

The Deputy Director stated that obtaining the certification also meant that the Commission could more quickly dispose of paper copies and save storage space.

Deputy Director Donohue reported that the State Records Committee also examined the Commission's backup system and subsequently determined that it was the best disaster recovery system they had seen. He added that the State Records Committee intends to use the Commission's program as a model for other agencies.

D. Legislative Activities

Deputy Director Donohue informed the Commissioners that Senator Thomas Goodwin has expressed interest in introducing legislation incorporating many of the Commission's proposals on improving pay-to-play regulation. The Deputy Director anticipated that he and Executive Director Brindle would meet with Senator Goodwin and his staff upon completion of a draft.

Deputy Director Donohue reported that the Commission has been working with Legislature members from both parties on a bill that would require timelier and more complete disclosure by all issue advocacy groups that participate in elections.

E. Committee of 70 Interview

The Deputy Director informed the Commissioners that Executive Director Brindle was interviewed last month by a staff member of the Committee of 70, a Philadelphia political watchdog and election information organization, on New Jersey's street money regulations.

Deputy Director Donohue reported that the organization intends on recommending New Jersey's system for Philadelphia elections.

F. Lobbying Annual Reports

Deputy Director Donohue informed the Commissioners that he anticipated that 2009 annual lobbying reports will be online by the next meeting. He noted that this will be the first time such reports will be available on the Internet, and stated that staff was working hard to convert the paper files into electronic format.

G. Analytical Press Releases

Deputy Director Donohue reported that the Commission was issuing an analytical press release concerning the "Big Six" state party and legislative leadership committees today. He stated that at the moment, Democrats have collectively raised more money than Republicans; however, Democrats have raised less money compared to four years ago, while Republicans are on the increase.

The Deputy Director also reported that upon the return of Executive Director Brindle, the Commission would issue its first in-depth analysis of "special interest" political action committees (PACs) reporting in several years.

H. Reorganization of Newspaper Articles

Deputy Director Donohue informed the Commissioners that he had, with Executive Director Brindle's approval, changed the organization of newspaper items in the packet issued to Commissioners before every meeting. He stated that instead of organizing all items into one chronological sequence, he separated them into sections covering federal, local, and state issues to make them easier to peruse.

I. Summer/Fall Meeting Schedule

- August 17, 2010 at 11:00 a.m. in Trenton (if needed);
- September 21, 2010 at 11:00 a.m. in Trenton; and,
- October 19, 2010 at 11:00 a.m. in Trenton.

Chair English stated that the October meeting date may have to be changed due to anticipated travel plans.

J. Public Comments

At this juncture, the Chair welcomed Ms. Ingrid Reed of the Eagleton Institute to offer commentary concerning the Commission's role in the Gubernatorial and Lieutenant Gubernatorial debates of 2009.

Ms. Reed greeted the Commissioners and reported that she had retired from a formal role at the Eagleton Institute, but would remain in a volunteer capacity.

She informed the Commissioners that the Institute had completed a study comparing news coverage of the 2005 and 2009 Gubernatorial elections, and had reached the following conclusions:

- Coverage consisted primarily of day-to-day events rather than long-term, strategic activity.
- Little attention was given to debates or significant public policy questions.
- There was no "ad-watch" monitoring the veracity of political communications.
- It was difficult for the general public to know when the debates were being held.
- Debates tended to recycle material already covered in candidates' platforms rather than bringing up new questions.
- Coverage of legislative races decreased from 2005 to 2009.
- The public has difficulty finding out the names of candidates for the Legislature, exacerbated by the usual lack of a debate.
- Increased media attention was given to legislative districts participating in the Clean Elections Program in 2007.

Ms. Reed provided suggestions for increasing the effectiveness of debates and facilitating the distribution of election information to the public:

- Increased collaboration with other agencies, particularly the Division of Elections.
- Easily accessible one-stop candidate/committee contact information, as practiced in Virginia and on the Eagleton Institute's NJ Voter website.
- Easily accessible link to "pay-to-play" information on the State of New Jersey website with explanation of the different state and local regulations.

Ms. Reed thanked the Commission for their work and expressed a desire to return in the future.

Commissioner DeFilippis inquired if the Form D-1, Certificate of Organization and Designation of Campaign Treasurer and Depository, did not already furnish the candidate and contact information requested by Ms. Reed.

Associate Director of Review and Investigation Shreve Marshall replied that the Form D-1 does include candidate and treasurer home addresses and other contact information.

Ms. Reed thanked Associate Director Marshall for the information.

Associate Director Marshall noted that the Form D-2 for joint candidates committees does not include individual candidates' home addresses.

Chair English noted that the division of implementation of "pay-to-play" law between several agencies could create confusion for the public.

Director of Information Technology Carol Neiman suggested that the Commission could create a listing of commonly searched terms on the website to link directly to relevant "pay-to-play" resources.

Deputy Director Donohue inquired when and where the Eagleton Institute's report was due for release.

Ms. Reed replied that it would be available on the Institute's website shortly.

Chair English stated that collaboration with good-government organizations would help maintain a proactive stance.

Commissioner Burstein provided his impressions of the Lieutenant Gubernatorial debate. He proposed that the Commission take a more active role in managing the structure of debates, while maintaining the independence of moderators in formulating questions.

Ms. Reed reported that the stage arrangement and multiple moderators at the Lieutenant Gubernatorial debate were confusing and prevented eye contact between candidates and moderators. She proposed that the Commission implement a checklist to ensure proper staging of debates in the future.

Ms. Reed praised the Commission for reevaluating the debates with ample time before the next Gubernatorial election, and thanked the Commission for its time.

Chair English thanked Ms. Reed for visiting and encouraged her to return in the future.

At this juncture, Ms. Reed departed from the meeting.

Deputy Director Donohue informed the Commissioners that staff has made contact with several individuals and parties willing to participate in the proposed debate panel tentatively scheduled for September.

4. Resolution to go into Executive Session

On a motion by Commissioner DeFilippis, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss anticipated litigation, which will become public as follows:

- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public not later than seven business days after mailing to the named respondents.
- B. Investigative Reports of possible violations, which reports will not become public. However, any complaint generated as the result of an Investigative Report will become public not later than seven business days after mailing to the named respondents.
- C. A report on requests from the public for investigations of possible violations, which report will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.

5. Adjournment

The Chair directed the meeting be closed at 1:50 p.m.

Respectfully submitted as true  
and correct,

Joseph W. Donohue  
Deputy Director