



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

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Chairman

WALTER F. TIMPONE  
Vice Chairman

JERRY FITZGERALD ENGLISH  
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### PUBLIC SESSION MINUTES

February 15, 2011

Chairman DeFilippis, Vice Chairman Timpone, Commissioner English, Legal Counsel Wyse, and senior staff were present. Report Review Officer Lovinsky Joseph was present for the purpose of recording the minutes. Commissioner Saunders was 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 10:00 a.m. in Trenton.

#### 1. Open Public Meetings Statement

Chairman DeFilippis 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.

#### 2. Approval of Public Session Minutes of January 18, 2011

On a motion by Vice Chairman Timpone, seconded by Commissioner English and passed by a vote of 3-0, the Commission approved the Public Session Minutes of January 18, 2011.

#### 3. Executive Director's Report

##### A. Analytical Press Releases

Executive Director Brindle informed the Commissioners of forthcoming analytical press releases. He reported that today was the due date for Lobbyist Annual Reports, and that a relevant press release would be issued on March 9. The Executive Director stated that this press release would examine grassroots lobbying and whether lobbyists had begun to voluntarily report activity on behalf of local governmental entities.

Executive Director Brindle further informed the Commissioners that the Commission would release an analytical press release relevant to “pay-to-play” after the March 30 due date for the Business Entity Annual Statement.

The Executive Director reported that the Commission would issue an analytical press release relevant to the School Board election to be held on April 27, after submission of 29-day preelection reports due on March 29.

The Executive Director further reported that the Commission would issue an analytical press release relevant to the Municipal election to be held on May 10, after submission of 29-day preelection reports due on April 11.

B. Local Contributor Database

Executive Director Brindle informed the Commissioners of updates to the Local Contributor Database. He reported that detailed contributor information would be available before the end of the month, and data concerning the 2010 general election available by the end of March, in line with the schedule drafted last year.

C. Legislative Redistricting

Executive Director Brindle informed the Commissioners that 14 districts could be affected by pending legislative redistricting. He stated that 8 districts in the northern and central regions of the state had too few people, and 6 districts in the southern, shore, and northwest regions too many.

The Executive Director reported that revision to district boundaries is to be completed on April 1, but that legal challenges to redistricting may cause delays. He noted that redistricting delays may lead to a postponement of elections, but the Commission had a contingency plan to adjust reporting dates and procedures accordingly.

Executive Director Brindle stated that the Commission does not have jurisdiction over groups formed to influence the redistricting process, such as the “Center for a Better New Jersey.” He added that he did not have information as to how this particular organization was constituted.

D. Outreach to County Parties

Executive Director Brindle informed the Commissioners of ongoing outreach efforts and training sessions for county political parties by the Compliance staff. He reported that six county political parties, all Democratic, had accepted the Commission’s invitation: Ocean, Atlantic, Somerset, Camden, Bergen, and Hunterdon.

E. Lobbying Manual

Executive Director Brindle reported that a follow-up letter had been sent to registered lobbyists in order to inform them of the new lobbying manual available online.

F. National Affairs

Executive Director Brindle informed the Commissioners of the attempt by the advocacy group Common Cause to force U.S. Supreme Court Justices Antonin Scalia and Clarence Thomas to recuse themselves from future cases concerning campaign finance due to alleged conflicts of interest, as well as efforts to repeal the Citizens United decision. He stated that success in these two matters was unlikely.

G. Presidential Public Financing Program

Executive Director Brindle reported that the House of Representatives had voted to repeal the Presidential Public Financing Program, but noted that legislation to strengthen it had been introduced in the Senate, and that efforts to remove or weaken the program would be opposed by both the President and the Senate.

H. Gubernatorial Check-Off Rates

Executive Director Brindle reported that the Gubernatorial check-off rate for the 2008 tax year was 10.7%, similar to recent years. He noted that while this was a significant decline from the approximately 40% in 1976, the rate has remained stable in the recent past.

Commissioner English requested that the forthcoming newsletter include an advisory that selecting the Gubernatorial Public Financing Program check-off on tax forms would not increase a filer's total tax liability. She added that such an advisory could also be placed on the Commission website.

Vice Chairman Timpone and Commissioner DeFilippis endorsed Commissioner English's suggestion.

Executive Director Brindle noted his concern that a low selection rate for the check-off could be interpreted as lack of support from the public and used as justification for challenging the Gubernatorial Public Financing Program.

I. Task Force on Gubernatorial Debates

Executive Director Brindle informed the Commission of the meeting of the ad-hoc Task Force on Gubernatorial Debates taking place tomorrow. He reported that the session would examine debate procedures in preparation of the 2013 gubernatorial debates. The Executive Director noted that the last meeting of this group discussed promotion of the debates.

J. Annual Report Pictures

Executive Director Brindle announced that pictures to be included in the Annual Report would be taken at the March meeting.

K. Spring Meeting Schedule

- March 15, 2011 at 10:00 a.m. in Trenton;
- April 26, 2011 at 10:00 a.m. in Trenton; and,
- May 17, 2011 at 11:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Commissioner English and passed by a vote of 3-0, 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.

5. Adjournment

On a motion by Vice Chairman Timpone, seconded by Commissioner English and passed by a vote of 3-0, the Commission resolved to adjourn at 11:41 a.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director