



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Vice Chairman

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Legal Director

AMY F. DAVIS
Compliance Director

JAMES P. WYSE
Legal Counsel

PUBLIC SESSION MINUTES

March 15, 2011

Chairman DeFilippis, Vice Chairman Timpone, Commissioner English, Commissioner Saunders, Legal Counsel Wyse, and senior staff were present. Director of Review and Investigation Shreve Marshall was present. Report Review Officer Lovinsky Joseph was present for the purpose of recording the minutes.

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 February 15, 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 February 15, 2011. Commissioner Saunders recused himself from this vote.

3. Executive Director's Report

A. New Director of Review and Investigation

Executive Director Brindle informed the Commissioners of the selection of Shreve Marshall as the permanent Director of Review and Investigation. He congratulated Director Marshall and praised the quality of the section's work.

B. Proposed Fiscal Year 2012 Budget

The Executive Director provided details of the Governor's proposed budget for Fiscal Year 2012. He stated that the budget, at approximately \$4.3 million, remained stable. Executive Director Brindle reported that \$3.845 million had been allocated for salaries, \$45,000 for supplies, \$371,000 for IT (including the electronic filing system for lobbyists), and \$15,000 for per diem payments for Commissioners.

Executive Director Brindle informed the Commissioners that he anticipated revenue of approximately \$340,000 in lobbying fees, and between \$100,000 and \$130,000 in fines. He concluded that the Commission was in satisfactory financial health and could maintain the same level of service.

Chairman DeFilippis asked if the Commission kept lobbying fees.

The Executive Director replied in the affirmative.

The Chairman asked if the Commission kept money from fines.

The Executive Director replied in the affirmative, as provided in budget language.

Chairman DeFilippis stated that he has a goal of providing electronic filing for all elections. He asked how much such a program would cost.

Director of Information Technology Carol Neiman replied that it was difficult to obtain an accurate estimate without a full review of IT resources. She estimated that achieving complete electronic filing for all elections could possibly cost \$1 million, but reiterated that this figure was a very rough approximation.

The Chairman asked if it was fairly certain that such a goal could not be achieved with only several hundred thousand dollars.

Director Neiman replied in the affirmative and reiterated that the proposed cost of \$1 million to provide electronic filing for all elections was a very rough estimate and would require additional research.

Commissioner English stated that if the Commissioners desired electronic filing for all elections, such a program should be done in stages. She noted that this subject may be something the Commission may wish to mention to the Legislature during budget hearings.

Chairman DeFilippis asked how the Commission paid the salary of Legal Counsel Wyse.

Executive Director Brindle reported that it was drawn from the general fund.

The Chairman asked if the Commission paid rent for its office space.

The Executive Director replied that the State paid that expense.

C. Lobbying Report

Executive Director Brindle informed the Commissioners of the Lobbyist Annual Reports submitted on February 15 and corresponding analytical press release issued on March 9, 2011. He recognized Deputy Director Joseph Donohue, Compliance Director Amy F. Davis, Director of Information Technology Carol Neiman, Director of Lobbying Linda White, and the Data Entry staff for their work in processing the Lobbyist Annual Reports and preparing the press release.

The Executive Director reported that press coverage of the analytical press release had been the widest yet observed, with 32 unique stories.

Executive Director Brindle stated that \$65.9 million had been spent on lobbying in 2010, representing a 13.9 percent increase from the previous year. He reported that communications for grassroots lobbying, such as broadcasts and direct mail, was driving this trend.

The Executive Director listed some of the top spending entities for lobbying services in 2010: The New Jersey Education Association (\$6.6 million), Verizon NJ (\$935,252), Excellent Education for Everyone, Inc., (\$458,928), Exelon Generation (\$446,456), and Reform Jersey Now (\$402,000). He referred to the significant increase in grassroots lobbying activity as an “advocacy explosion,” and added that the Commission would continue to monitor this phenomenon.

D. Outreach to County Parties

Executive Director Brindle reported on the Commission’s efforts to provide training sessions and outreach to county political parties. He stated that the Commission had held a training session for the Somerset County Democratic Committee on February 22 in Basking Ridge in which 26 people attended. The Executive Director noted that Senior Compliance Officer Kim Key and Associate Compliance Officer Nancy Fitzpatrick facilitated the session.

The Executive Director further noted that as of yet, only Democratic committees have replied to the Commission’s overtures, with the Monmouth County Democrats the most recent county party to request a training session.

E. Legislative Redistricting

Executive Director Brindle informed the Commissioners that the redistricting deadline is on April 3, and that Dr. Alan Rosenthal of Rutgers University had been named as the 11th member of the Redistricting Commission.

He noted the possibility of legal action, and reported that Senator Ronald Rice had introduced a bill (S-2653) to move back the due date for filing petitions, a move that would impact the Commission’s personal financial disclosure filing timeline. The Executive Director stated that the Commission was prepared for any date changes incurred by legal action, and that Compliance Director Davis had prepared contingency plans for such an event.

F. Court Actions

Executive Director Brindle informed the Commission of court actions relevant to campaign finance on the federal level.

The Executive Director reported on the U.S. Supreme Court's denial of certiorari in the case of Human Life of Washington v. Brumsickle. He stated that this action upheld a previous decision by the Ninth District Court of Appeals upholding Washington State disclosure laws for issue ads claimed to be exempt from reporting requirements due to their educational aspect.

Executive Director Brindle also reported on the pending U.S. Supreme Court appeal in the case of Green Party of Connecticut v. Lenge, in which the plaintiff claimed Connecticut's public financing law placed an unfair burden on minor parties to qualify. He informed the Commissioners that the Second Circuit Court of Appeals had upheld the program.

G. Ethics Filing

Executive Director Brindle reported that the due date for submission of personal financial disclosure forms to the State Ethics Commission was May 15. He noted that the form can be found on the SEC website, and added that Commissioners should select the "officer form."

H. Spring/Summer Meeting Schedule

- April 26, 2011 at 11:00 a.m. in Trenton;
- May 17, 2011 at 11:00 a.m. in Trenton; and,
- June 21, 2011 at 11:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Commissioner Saunders, seconded by Vice Chair Timpone 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.

5. Adjournment

Commissioner English praised the qualifications and judicial experience of her successor, Lawrence Weiss, and commended him to the Commission. Commissioner English spoke of her respect for the work of the Commission and its ability to maintain standards of quality despite budget cuts and furloughs. She thanked Chairman DeFilippis for his financial experience and anticipated that the Commission would remain in good standing with his leadership.

The Chairman noted that the April 3rd redistricting deadline was fast approaching, and asked what would be the effect of a week's delay caused by a redistricting lawsuit. He also inquired if the Commission had any contingency plans in case of such a delay.

Executive Director Brindle replied that the effect was dependent on the Legislature changing election dates, a factor which was out of the control of the Commission. He reported that Compliance Director Amy F. Davis and her staff had prepared plans in case the election dates are moved.

Chairman DeFilippis asked if there would be any effect on the May elections.

The Executive Director replied in the negative.

On a motion by Commissioner English, seconded by Vice Chairman Timpone and passed by a vote of 4-0, the Commission resolved to adjourn at 11:28 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz