



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

RONALD DEFILIPPIS  
Chairman

WALTER F. TIMPONE  
Vice Chairman

AMOS C. SAUNDERS  
Commissioner

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Legal Director

AMY F. DAVIS  
Compliance Director

ANDREW M. BARON  
Legal Counsel

### PUBLIC SESSION MINUTES

November 15, 2011

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Legal Counsel Baron, and senior staff were present. Director of Review and Investigation Shreve Marshall was also 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 1:00 p.m. in Trenton.

#### 1. Open Public Meetings Statement

Chairman DeFilippis called the meeting to order and Executive Director Brindle announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., notice of this meeting of the Election Law Enforcement Commission was announced for November 15, 2011, at 1:00 P.M., at the Commission's offices, and was distributed at approximately 1:00 P.M. on November 14, 2011 to the entire State House press corps and was filed with the Secretary of State's Office. It was also posted on the Commission's website. Notice of the date and agenda for this meeting was previously announced for 11:00 a.m. and distributed to the entire State House press corps and was filed with the Secretary of State's Office. It was also posted on the Commission's website.

Executive Director Brindle said the Commission could not have foreseen the need for the change in the meeting time when adequate notice could have been provided. Further, it is in the public interest to deal with matters of importance and of concern to the public interest as set forth in the agenda scheduled for today. The meeting will be limited to discussion of the matters of importance as set forth in the agenda.

In light of the fact that notice for this change in meeting time was not given 48-hours prior to the meeting, Executive Director Brindle suggested that pursuant to N.J.S.A. 10:4-9, there be a motion and vote to enact a resolution authorizing the holding of this meeting to establish that a delay for the purpose of providing adequate notice would result in harm to the public interest.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission approved the holding of this meeting.

Chairman DeFilippis asked for a moment of silence in remembrance of Commissioner Weiss, who passed away the previous Sunday.

Commissioner Saunders stated that the Commission had prepared a proclamation recognizing Commissioner Weiss for his service to the Commission and previous accomplishments. He read the text of the proclamation, which noted his service in the United States Air Force, in private practice, as a judge, and at the Commission.

Commissioner Saunders described his experience and long friendship with Commissioner Weiss, dating back from the time of their first meeting as lawyers in 1960 and continuing through the judiciary and to the Commission.

2. Approval of Public Session Minutes of October 18, 2011

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

3. Executive Director's Report

A. Acknowledgement of Compliance Staff

Executive Director Brindle acknowledged Compliance Director Amy Davis and the Compliance staff for their work in efficiently processing approximately 7,000 reports in the run-up to the general election, and making them accessible online within 48 hours of receipt.

B. Campaign Training PowerPoint Presentation

The Executive Director reported that the Compliance staff was working on an updated treasurer training PowerPoint presentation, with an anticipated completion date of January 2012. He stated that this presentation would be more visually attractive, more interactive, and generally improve the online training experience.

C. Assistance to Sister Agencies

Executive Director Brindle informed the Commissioners that Legal Director Carol Hoekje and Assistance Compliance Officer Danielle Hacker will present a lobbying overview to the Office of Legislative Services (OLS) on November 18.

The Executive Director further stated that Compliance Director Amy Davis will present information concerning new developments in lobbying at an Institute for Continuing Legal Education (ICLE) administrative law seminar on December 5.

D. Cost Analysis Report

Executive Director Brindle stated that progress was being made toward the publication of new thresholds and limits for the Gubernatorial Public Financing Program. He reported that staff has contacted the Universal-McCann advertising agency to obtain actual and estimated future advertising costs adjusted for inflation. The Executive Director further reported that the report was due in June, with regulations to be proposed in early summer.

E. Budget

Executive Director Brindle informed the Commissioners that the Office of Management and Budget (OMB) had allocated \$4.254 million to the Commission, a continuation budget from last year. He reported that OMB had eliminated the special purposes account of \$15,000 per diem for Commissioners, but would work with OMB to have it restored.

F. Analytical Press Releases

The Executive Director reported that the Commission had issued an analytical press release relevant to the 11-day preelection report for legislative candidates. He noted that committees had raised \$36 million and spent \$24 million, a decline of 8 percent from 2007. The Executive Director further noted that Democrats had raised \$26.2 million, more than twice the \$10 million raised by Republicans. Executive Director Brindle stated that incumbent candidates raised 78 percent of funds, and challengers 22 percent.

G. Independent Outside Groups

The Executive Director informed the Commissioners about the influence of outside groups making independent expenditures in elections. He stated that although more data was needed to obtain a complete picture, staff has calculated that over \$800,000 has been expended by independent groups in New Jersey in the recent election. Executive Director Brindle noted that the Commission has anticipated further growth in expenditures by these groups.

H. 2012 Commission Meeting Schedule

Executive Director Brindle presented the Commissioners, for their approval, the 2012 proposed meeting schedule.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission approved the 2012 Commission Meeting Schedule.

I. Winter Meeting Schedule

- December 20, 2011 at 11:00 a.m. in Trenton;
- January 17, 2012 at 11:00 a.m. in Trenton; and,
- February 21, 2012 at 11:00 a.m. in Trenton.

Chairman DeFilippis asked how many of the approximately 7,000 campaign reports processed by staff for the recent election cycle were submitted electronically.

Executive Director Brindle replied that he did not have an exact figure, but did know that the proportion of reports filed electronically was increasing.

The Chairman expressed satisfaction with this trend.

4. Resolution to go into Executive Session

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone 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 complaint 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.

Return to Public Session

5. Adjournment

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone and passed by a vote of 3-0, the Commission resolved to adjourn at 2:12 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director