



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

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PUBLIC SESSION MINUTES

January 17, 2012

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, 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. Deputy Director Donohue 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 11:00 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 December 20, 2011

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission approved the Public Session Minutes of December 20, 2011. Commissioner Saunders recused himself from this vote.

3. Executive Director's Report

A. Budget

Executive Director Brindle informed the Commissioners of ongoing progress concerning the Commission's budget process. The Executive Director reported that he had attended a "fishbowl" meeting with representatives of the Office of Management and Budget

(OMB), and that the Commission had a budgetary target of \$4.254 million, a figure that includes the per-diem payment to Commissioners.

He further reported that a separate \$480,000 had been requested for administration of the Gubernatorial Public Financing Program, and that \$12.29 million had been requested for matching funds, although only \$6.42 million has been currently allocated. Executive Director Brindle stated that language in the statute allowed for extra appropriations for the Public Financing Program should the need arise.

The Executive Director informed the Commissioners that he had informed OMB of the Commission's pressing need for computer upgrades, citing the recent example of California's campaign finance database having a complete system shutdown. He stated that OMB had told him that this was a problem for many State agencies, and recommended that the Commission undertake a study to identify priority computer needs. Executive Director Brindle noted that Deputy Director Donohue was absent from the meeting because he was conferring with Director of Finance and Administration Steven Dodson and members of the Information Technology staff in order to ascertain those priorities.

The Executive Director reported that the Department of the Treasury had informed him that the Commission may be able to obtain a line of credit from the Treasury to pay for computer upgrades, to be repaid in seven payments over a period of three and one half years. He stated that the estimated \$700,000 - \$750,000 cost could be paid for by lobbying and other fees.

B. Legislation

Executive Director Brindle informed the Commissioners of pending legislation relevant to the Commission. He reported on the progress of Bill S-3166/A-4432, sponsored by Senator Raymond Lesniak. The Executive Director stated that this bill would expand the Commission's jurisdiction to include prohibition on solicitation of contributions to all government property. He informed both OMB and the Governor's counsel that the Commission would require approximately \$185,000 in additional funds for two additional investigators and an attorney to enforce this proposed legislation.

Executive Director Brindle further informed the Commissioners on the progress of Bill S-3148, which provides the option to hold school board elections in November.

C. Training Sessions

The Executive Director reported that the two training sessions held so far for lobbyist electronic filing were well attended, and that the first electronic filing had been successful.

Executive Director Brindle further reported that the Commission would continue outreach to county political party chairs and facilitate offsite training sessions. He stated that seven county party committees had participated in 2011, and anticipated that more would participate in 2012.

D. Analytical Press Releases

The Executive Director informed the Commissioners that the Commission would issue an analytical press release relevant to the 4th quarter reports of the “Big Six” state political party and legislative leadership committees on January 20. He reported that the Commission would issue an analytical press release relevant to county political party committees on January 24.

E. Court Cases of Interest

Executive Director Brindle informed the Commissioners of developments in state and federal cases concerning campaign finance. He reported on the ruling by the Montana Supreme Court that the decision in the federal case Citizens United v. FEC was not applicable to Montana, citing past incidents of corporations corrupting elections. The Executive Director noted that the U.S. Supreme Court will likely reverse this decision.

Executive Director Brindle provided the Commissioners with a summary of the decision rendered by the U.S. Supreme Court in the case Bluman v. FEC, which upheld the federal ban on campaign contributions and independent expenditures by foreign nationals temporarily residing in the United States.

The Executive Director further reported that the Republican National Committee has filed a brief in the Fourth Circuit Court of Appeals seeking to overturn the federal ban on direct contributions by corporations to candidates and political parties.

Executive Director Brindle indicated that none of these cases would affect the Commission’s laws.

F. Winter Meeting Schedule

- February 21, 2012 at 11:00 a.m. in Trenton;
- March 20, 2012 at 11:00 a.m. in Trenton;
- April 17, 2012 at 11:00 a.m. in Trenton.

Chairman DeFilippis asked Executive Director Brindle for additional explanation concerning the line of credit offered by the Treasury.

The Executive Director replied that the loan would be repaid in seven installments every six months, and that it could be paid for using lobbying fees.

Vice Chairman Timpone asked if using lobbying fees for computer upgrades would affect other items that are paid for with those funds.

Executive Director Brindle stated that there would not be a significant impact as most lobbying fees are already used for computer equipment, with some going to salaries.

Commissioner Saunders asked who would provide the financing for this transaction.

The Executive Director replied that it would be facilitated by the Treasury, likely within the subdivision of OMB.

At this juncture, the Chairman invited members of the public to comment.

Mr. Brandon Pugh, candidate for school board in Moorestown, thanked the Commissioners for providing the opportunity to observe the proceedings, and remarked that the meeting was conducted in a productive manner. He stated that completing the forms for his candidacy was straightforward, and that the Commission provided clear instructions.

Chairman DeFilippis asked Mr. Pugh if he had any questions.

Mr. Pugh asked if the upcoming school board election would be affected if Bill S-3148 passed.

Executive Director Brindle stated that he would need to check the language of the bill.

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. 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.

Return to Public Session

5. Adjournment

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to adjourn at 12:08 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director