



State of New Jersey

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Vice Chairman

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

January 15, 2013

Chairman DeFilippis, Commissioner Saunders, Legal Counsel Matthews, and senior staff were present. Vice Chairman Timpone participated via telephone. Director of Review and Investigation Shreve Marshall was also present. Assistant Report Examiner 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 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 18, 2012

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 December 18, 2012.

3. Executive Director's Report

A. Interns

Executive Director Brindle introduced new intern Jason Cabrera to the Commissioners. He reported that Mr. Cabrera is a third year law student at Rutgers-Camden and an Eagleton Fellow, and will be assisting the Legal Section.

The Executive Director also noted that Henry Coslick is engaged in his third internship with the Commission, and added that he has also served as an intern in the history department at The College of New Jersey.

B. Analytical Press Releases

Executive Director Brindle informed the Commissioners that the Commission would release analytical press releases relevant to lobbying on March 7, and pay-to-play in early April.

C. Mandatory Electronic Filing for Lobbyists

The Executive Director reported that lobbyist annual financial reports will now be required to be filed electronically. Executive Director Brindle stated that he did not anticipate problems with the system as it was tested last year when lobbyists could voluntarily file electronically.

The Executive Director indicated that the Compliance section has been conducting numerous training sessions in order to familiarize lobbyists with electronic filing.

D. Public Session Minutes

Executive Director Brindle announced that the Commission has made all Public Session minutes available on the Commission's website dating back to its inception in 1973.

The Executive Director stated that this measure is part of an effort to provide maximum transparency and services to the public. He thanked Webmaster Maryanne Garcia, Administrative Assistant Elbia Zeppetelli, and Executive Secretary Maureen Tilbury for their work in accomplishing this task.

E. 40th Anniversary of Commission

Executive Director Brindle reported that the Commission plans to have a celebration for its 40th anniversary on June 18, after the Commission meeting. The Executive Director stated that he plans to invite the Governor, leaders of the Senate and General Assembly, and previous commissioners and directors.

F. Developments in Campaign Finance Law

Executive Director Brindle reported that the Securities and Exchange Commission (SEC) will consider a proposed rule to require public companies to provide disclosure to shareholders regarding use of corporate resources for political purposes.

The Executive Director further reported that the U.S. Supreme Court upheld disclosure by rejecting an appeal from Real Truth About Abortion, Inc., which wanted to stop the Federal Election Commission (FEC) from enforcing fundraising and advertising regulations against it. He noted that this action indicates that the Commission's proposals to require disclosure by outside groups would be constitutional.

G. Texting of Contributions

Executive Director Brindle advised the Commissioners that as a Commission we should begin to think about how to deal with texting of contributions. He reported that California, Washington State, and the FEC are considering steps to regulate such contributions. The Executive Director stated that he did not anticipate texting of contributions to be used by candidates in the 2013 gubernatorial election, but added that this may change in future elections.

H. Winter Meeting Schedule

- February 19, 2013 at 11:00 a.m. in Trenton;
- March 19, 2013 at 11:00 a.m. in Trenton; and,
- April 9, 2013 at 11:00 a.m. in Trenton.

4. Report on 2013 Gubernatorial Public Financing Program

Executive Director Brindle presented the Report on the 2013 Gubernatorial Public Financing Program.

The Executive Director informed the Commissioners that the first due date for public fund submissions was on January 8, and that no candidates have yet submitted information. He noted that the next due date was on January 29.

Executive Director Brindle reported that Senator Barbara Buono will likely submit information on the January 29 due date, but did not know if Governor Christie will apply for public funds. He further reported that Diane Sare (I), Willy Araujo (D), and Jeff Boss (I) have also announced their candidacies for Governor.

The Executive Director stated that the Public Financing staff was in the process of sending out information to potential debate sponsors, and that the deadline for applications was March 15. He noted that the Commission would select a debate sponsor within 30 days of the March 15 deadline.

5. Public Comments

Chairman DeFilippis asked if any members of the public wished to comment. Seeing none, he requested a motion to go into Executive Session.

6. 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 and current litigation, which will become public as follows:

- A. 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.

- 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. The reports 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.
- C. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.

Return to Public Session

7. Adjournment

At this point, Vice Chairman Timpone had departed the meeting.

On a motion by Commissioner Saunders, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to adjourn at 12:00 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz