



State of New Jersey

RONALD DEFILIPPIS  
Chairman

WALTER F. TIMPONE  
Vice Chairman

AMOS C. SAUNDERS  
Commissioner

## ELECTION LAW ENFORCEMENT COMMISSION

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### PUBLIC SESSION MINUTES

February 19, 2013

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall was also present. Assistant Report Examiner Lovinsky Joseph was present for the purpose of recording the minutes. Commissioner Saunders was absent for the Public Session discussion, except as indicated below (Return to Public Session).

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 January 15, 2013

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 January 15, 2013.

#### 3. Executive Director's Report

##### A. Training Sessions

Executive Director Brindle reported that the Commission would hold the following training sessions in 2013:

- (1) 7 treasurer training sessions for candidate committees from March 11 to September 30;

- (2) 4 treasurer training sessions for political party committees and PACs from March 21 to December 11;
- (3) 8 electronic filing training sessions for Form R-1 filers from March 13 to October 2;
- (4) 2 pay-to-play training sessions on February 22 and March 15.

Chairman DeFilippis asked about the training seminar locations. He indicated that he had hoped to attend one.

The Executive Director replied that as of now all sessions are scheduled for Trenton. He said staff is still working on remote locations.

B. Lobbyist Electronic Filing

The Executive Director informed the Commissioners that overall, the initiation of lobbyist electronic filing went smoothly. He noted that there was a minor problem with the FileNet software temporarily preventing staff from processing the reports, but that this did not affect the ability of lobbyists to file reports and was fixed quickly.

Executive Director Brindle stated that the FileNet problem highlighted the Commission's need to upgrade its 13 year old system.

C. Lobbyist Analytical Press Release

The Executive Director announced that the Commission would release an analytical press release relevant to the Lobbyist Annual Reports on March 7. He stated that electronic filing of the reports allowed staff to prepare the analytical press release in less time.

D. Legislation

Executive Director Brindle informed the Commissioners of pending legislation relevant to the Commission. He reported that the Assembly was considering an act revising the process for awarding certain public contracts in emergency situations, supplementing the existing pay-to-play law. The Executive Director noted that one provision of the bill would apply pay-to-play for the term of a contract awarded during an emergency. He added that the bill had been pulled for revision, but would likely be advanced soon.

Executive Director Brindle further informed the Commissioners of proposed legislation that would extend lobbying regulation to local lobbying. He noted that this bill would be presented before the Senate State Government Committee on February 21, 2013.

E. Federal Cases

The Executive Director reported on the status of cases concerning campaign finance being heard before the U.S. Supreme Court. He first informed the Commissioners of the case Danielczyk v. United States, in which defendant Bill Danielczyk is being prosecuted for using corporate funds to reimburse individuals who made contributions to a Hillary Clinton fundraiser in 2008. Executive Director Brindle stated that Mr. Danielczyk is arguing that

corporate contributions are protected speech, and that corporate contributions would be allowed if he wins. He noted such a result would not affect the Commission's laws as they already allow corporate contributions.

The Executive Director then informed the Commissioners of the case McCutcheon v. FEC, in which Shaun McCutcheon and the Republican National Committee have claimed that limits on contributions to national parties and overall limits on what individuals can contribute to committees and campaigns are unconstitutional.

In addition, Executive Director Brindle reported on the case of James v. FEC, in which plaintiff Virginia James is challenging the \$2,600 limit to candidate committees, but not the aggregate limit on candidate contributions. He noted that if she is successful, donors could support individual candidates as they see fit.

F. Spring Meeting Schedule

- March 19, 2013 at 11:00 a.m. in Trenton;
- April 9, 2013 at 11:00 a.m. in Trenton; and,
- May 21, 2013 at 11:00 a.m. in Trenton

4. Report on 2013 Gubernatorial Public Financing Program

Compliance Director Amy Davis presented the report of the 2012 Gubernatorial Public Financing Program.

She informed the Commissioners that no applications for public funds were received on submission dates January 29<sup>th</sup> and February 12<sup>th</sup>. Director Davis reported that the next submission dates are February 26<sup>th</sup> and March 12<sup>th</sup>, and that staff will report to the Commission at its next meeting on the status of any submissions received or public funds disbursed.

5. Public Comments

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

6. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and current 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. 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

At this point, Commissioner Saunders was participating by telephone.

7. 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 1:00 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz