



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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WALTER F. TIMPONE
Vice Chairman

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Deputy Director

CAROL L. HOEKJE
Legal Director

AMY F. DAVIS
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

October 15, 2013

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall was also present. Special Programs Analyst Scott Fagerty 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 September 17, 2013

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 September 17, 2013 with changes.

3. Executive Director's Report

- A. **Gubernatorial Debates** – The Executive Director reported that the first gubernatorial debate was held on October 8th at William Paterson University. The Executive Director noted that there was a significantly large following for this debate, as there were 550,000 viewers and listeners. In comparison, the last debate with known numbers, a 2005 debate between Jon Corzine and Doug Forrester was only followed by 50,000 viewers.

- B. Independent Spending – The Executive Director informed the Commission that to date, over \$21 million has been spent in independent expenditures in legislative and gubernatorial elections. He followed that an earlier prediction of \$25 million being spent will be met and speculated that an amount exceeding \$30 million may be spent. He further noted that \$1.6 million has been spent to promote or defeat the upcoming minimum wage ballot question.
- C. 29-Day reports – The Executive Director reported that the 29-reports have been received. He stated that in the gubernatorial election, more than 15 million has been raised while \$5.8 million has been spent. He added that Legislative candidates have raised more than \$27 million, while spending \$15.6 million. After years of seeing declines due to Pay-to-Play, he noted that the amounts raised are slightly ahead of what they were four years ago.
- D. Analytical Report – The Executive Director stated that on Thursday, October 17, the Commission will be releasing the third quarter analytical release detailing the activity of the “Big Six” committees.
- E. McCutcheon v. FEC – The Executive Director informed the Commission that McCutcheon v. FEC was heard by the United State Supreme Court on October 8, 2013. The case deals with federal aggregate contribution limits, and the Executive Director noted that he expects that the Court will strike them down on free speech grounds. He further stated that there exists the possibility that the Court will strike down aggregate limits on contributions to candidates, but keep them for contributions to parties. Also, although unlikely, the Court may simply raise the aggregate limit. Executive Director Brindle stated that he believed it would be a 5-4 decision with Chief Justice Roberts acting as the swing vote.
- F. Training Sessions:
- Pay-to-Play: November 18, 2013 at 10 am
 - Political Party Treasurer Training: December 11, 2013, at 10 am
 - R-1 Electronic Filing: October 2, 2013
- G. News Commons Conference – Executive Director Brindle reported that Deputy Director Donohue attended a conference where he assisted reporters in using ELEC’s website. The Deputy Director added that it was largely attended by new reporters who were unfamiliar with ELEC’s website. He also stated that he believed it would be useful for staff to introduce training sessions for reporters.
- H. Winter Meeting Schedule
- November 26, 2013 at 11:00 a.m. in Trenton; and,
 - December 18, 2013 at 11:00 a.m. in Trenton.

4. Report on 2013 Gubernatorial Public Financing Program

Compliance Director Amy Davis reported to the Commission the following activity concerning the 2013 Gubernatorial Election:

General Election Submissions

Barbara Buono Submissions 3, 4 and 5

Candidate Barbara Buono filed her third submission for 2013 general election matching funds on September 24th containing \$183,036.96 in new contributions for match and \$33,228.96 in resubmitted items. Staff completed its review of Candidate Buono's third submission and issued public funds totaling \$405,610.26.

On October 1st, Candidate Buono filed her fourth submission for public matching funds containing \$145,614.28 in new contributions for match and \$60,057.29 in resubmitted items. Staff completed its review of Candidate Buono's submission and issued public funds totaling \$212,063.98.

On October 8th, Candidate Buono filed her fifth submission for public matching funds containing \$90,491.99 in new contributions for match and \$29,155.99 in resubmitted items. Staff completed its review of Candidate Buono's submission and issued public funds totaling \$125,648. To date, Candidate Buono has received public funds totaling \$1,398,033.24 for the 2013 general election. Candidate Buono may receive an additional \$6,801,966.79 in public funds before she reaches the \$8.2 million public funds cap.

Chris Christie- Submissions 3 and 4

Candidate Chris Christie filed his third submission for the 2013 general election on September 17th containing \$86,905 in re-submitted contributions for public matching funds. Staff completed its review and issued public matching funds totaling \$141,400.

Candidate Chris Christie filed his fourth submission for the 2013 general election on October 1st containing \$63,400 in re-submitted contributions for public matching funds. Staff completed its review and issued public matching funds totaling \$112,440. Candidate Christie has now received a total of \$8.2 million in public funds, the maximum amount a candidate may receive in the general election.

Gubernatorial Debates

Director Davis updated the Commission in regards to the calendar for the Gubernatorial Debates. She noted that the first debate was held on October 8th at William Paterson University and the Lt. Gubernatorial Debate was held on October 11th at Kean University. She noted that the second and final Gubernatorial debate will be held on October 15th at Montclair State University and aired LIVE on NJTV and C-Span TV at 8:00 p.m.

5. Public Comments

The Chairman asked if there were any comments from the public. Seeing there were 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. 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 an investigative report, will become public not later than seven business days after mailing to the named respondents.
- C. 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.
- D. 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

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to adjourn at 12:28 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director