



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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Chairman

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Vice Chairman

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### PUBLIC SESSION MINUTES

November 26, 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 October 15, 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 October 15, 2013, as amended by Commissioner Saunders.

#### 3. Executive Director's Report

##### A. Filibuster Rule Changes

Executive Director Brindle commented upon the recent US Senate rule changes regarding filibusters. He noted that now that a simple majority may approve presidential nominees, the face of the federal judiciary may change. The Executive Director stated that because of this he now expects to see more campaign finance cases brought from a liberal

standpoint, which may act to counterbalance the cases brought earlier by conservative ideological groups.

B. 11-day Analysis

Executive Director Brindle reported that an analysis of 11-day reports shows that a total of \$107,783,000 has been spent in this year's elections. The Executive Director further stated that gubernatorial candidates have spent \$21 million, which represents 20 percent of total spending, while legislative candidates have spent a total of \$49 million, or 40 percent of total expenditures. The Executive Director noted that 35 percent of spending, or \$38 million, has been spent by independent groups, dwarfing the amount spent by legislative leadership committees and political party committees, which have spent \$6 million, or 5 percent of total expenditures.

C. Computer Issues

The Executive Director informed the Commission that in the weeks prior to the election, staff experienced many problems with ELEC's computer system. He noted in particular that users found it difficult to access reports. Executive Director Brindle stated that the entire Information Technology (IT) section deserves credit for working hard to diagnose the problems, although in many cases, only quick, superficial fixes could be supplied. He stated that the problems stem from the fact that ELEC utilizes a system that is 14 years old, and that he has warned legislative leaders and the Governor's office for two years about this issue, as well as testified before the Senate Appropriations Committee.

D. Reorganization of IT Staff

In order to provide a better response to the problems raised by ELEC's outdated computer system, Executive Director Brindle informed the Commission that the IT section would be undergoing a period of reorganization. He stated that now the programming staff would be sharing one office, which would enable staff to work together to learn new programs and to share ideas. The Executive Director noted that staff would be making these efforts without necessary appropriations. He added that the work undertaken by the IT section involves a step-by-step approach to make Electrack compatible with Oracle and then to upgrade Electrack.

E. Meeting with Chinese Delegation

Executive Director Brindle informed the Commission that on December 4<sup>th</sup>, Director of Review and Investigation Shreve Marshall, Assistant Legal Director Amanda Haines, and he will meet with a delegation from Wuhan City of Central China. They will be meeting to discuss the oversight of political contributions in relation to anti-corruption measures.

F. Association of Environmental Authorities

The Executive Director notified the Commission that on November 20<sup>th</sup>, he addressed a collection of 200 people gathered by the Association of Environmental Authorities. The speech addressed pay-to-play issues and highlighted ELEC's proposed reforms.

G. Discussion of Lobbying Requirements

On December 11, Executive Director Brindle will meet with JCP&L regional executives to discuss lobbying requirements.

H. Seminars

The Executive Director noted that on November 18, staff had conducted a pay-to-play seminar.

I. OMB "Fishbowl" Meeting

Executive Director Brindle informed the Commission that he had met with the Office of Management and Budget and that ELEC would be receiving a continuation budget of \$4.25 million. He stated that this amount included neither cuts nor additional funds.

J. Meetings

The Executive Director announced that he was looking to set up meetings with legislative leaders, and both the Treasurer's, and the Governor's Offices to discuss both the computer issues and the potential for a special election for the Office of Governor.

Chairman DeFilippis asked the Executive Director if the Lieutenant Governor would serve the remaining portion of a resigning Governor's term. The Executive Director replied that a Lieutenant Governor would serve as Acting Governor, but that a special election would also be held. He stated that if a Governor resigns more than 60 days before a general election, then a special election will be held for the Office of Governor on the next general election date. If the Office of Governor is vacated within 60 days of the next general election, then the Lieutenant Governor will serve as Governor until the general election is held in the following calendar year. The Executive Director noted that the public financing law is silent on whether the Commission may provide public funds in any such special election.

K. Future Meetings Schedule

- December 18, 2013 at 11:00 a.m. in Trenton; and,
- January 21, 2014 at 11:00 a.m. in Trenton.

Looking ahead to the 2014 calendar, Chairman DeFilippis noted that he would be unavailable for the April 15<sup>th</sup> Commission meeting. He asked the Commissioners if April 17<sup>th</sup> was a suitable date to hold the April meeting. Vice Chairman Timpone and Commissioner Saunders both agreed.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to adopt the 2014 meeting calendar with the amendment.

4. Report on 2013 Gubernatorial Public Financing Program

A. Public Fund Submissions

Compliance Director Amy Davis reported to the Commission that on October 15<sup>th</sup>, Candidate Barbara Buono filed her sixth submission for public funds totaling \$58,811.63. After review, staff issued public funds totaling \$156,443. Candidate Buono filed her seventh submission on October 22<sup>nd</sup> totaling \$52,080.42. After review, staff issued public funds totaling \$68,010. On October 29<sup>th</sup>, Candidate Buono filed her eighth submission totaling \$70,000. Staff completed its review and issued an amount of \$69,778. Candidate Buono filed her ninth submission on November 5<sup>th</sup> totaling \$43,198.51. After completing its review, staff issued public funds totaling \$97,896.

Compliance Director Davis reported that Candidate Buono has received \$1,790,160.24.

B. Postelection Spending Letters

Compliance Director Davis reported that staff mailed the letters to Candidate Chris Christie and to Candidate Barbara Buono informing them of limits on postelection spending and that monies that remain unspent must be returned to the Commission no later than May 5, 2014.

Chairman DeFilippis asked Compliance Director Davis whether staff has retained an auditor to conduct the postelection audit. Compliance Director Davis noted that staff had not yet, but traditionally does.

5. Public Comments

Chairman DeFilippis asked if there were any comments from the public. Seeing none, he requested a motion to go into Executive Session.

6. Resolution to go into Executive Session

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

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 12:15 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz