



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

December 18, 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 November 26, 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 November 26, 2013.

#### 3. Executive Director's Report

##### A. 20-Post Election Spending

Executive Director Brindle reported to the Commission that a total of \$129 million was spent in the recent gubernatorial and legislative elections. Of that, \$25.8 million, or 20 percent, was spent by gubernatorial candidates. Legislative candidates accounted for 48 percent of the total by spending \$61.8 million. Independent groups spent \$41.1 million, which represents 32

percent of the total. The Executive Director predicted that the growth in spending by independent groups will begin to be seen in local elections.

B. Offsite Training

The Executive Director announced that staff will be conducting an offsite training session on February 27, 2014. The session will be sponsored by the Monmouth County Democratic Organization.

C. 2014 Training Schedule

The Executive Director announced the training calendar for the upcoming year:

- Campaign Treasurer: March 18, April 2, April 22, September 11 and September 30;
- CPC/PPC Treasurer: March 19, June 26, September 23, and December 10;
- REFS Training: March 20, April 3, April 23, July 23, September 9, and October 1.

D. S-2683

Executive Director Brindle reported that Senate Bill 2683, which would require ELEC to publish the Gubernatorial Ballot Statements on its website, has moved out of the Senate State Government Committee. He noted it is a bill for which he had expressed the Commission's support in that it is one of the Commission's recommendations.

E. MBI-GluckShaw

Executive Director Brindle informed the Commissioners that on December 11, he spoke with a panel of Regional Directors from JCP&L organized by MBI-GluckShaw. He was accompanied by Compliance Director Amy Davis. At the meeting, Assemblywoman Donna Simon of the 16<sup>th</sup> Legislative District also spoke.

F. McCutcheon v FEC

Executive Director Brindle commented upon speculation that the case McCutcheon v FEC might be returned to the US Court of Appeals, DC Circuit for fact finding. He noted that since this has not happened, it appears likely that the US Supreme Court will render a decision.

G. Inclement Weather

The Executive Director clarified for the Commissioners and Legal Counsel Matthews the procedure to cancel or delay a scheduled meeting due to inclement weather.

H. Future Meetings Schedule

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

4. Report on 2013 Gubernatorial Public Financing Program and Planning for Hearing

Compliance Director Amy Davis reported to the Commission that since her last report, there had been no new submissions for public matching funds. She recommended to the Commission that a public hearing concerning the 2013 Gubernatorial Public Matching Funds Program be scheduled for the Commission Meeting to be held on March 18<sup>th</sup>, 2014 at 11 am.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders, and passed by a vote of 3-0, the Commission approved scheduling a public hearing concerning the 2013 gubernatorial public matching funds program to be held on March 18<sup>th</sup>, 2014 at 11 am.

5. Public Comments

Chairman DeFilippis asked if any members of the public wished to comment.

Ingrid Reed, former Director of the New Jersey Project at Rutgers' Eagleton Institute recognized ELEC as the state agency that provides the most information on candidates in the state. With that in mind, she suggested that steps should be taken to make information even more accessible to the public and that she would support efforts to provide ELEC with the means to provide the public with greater access. Ms. Reed also indicated she would support legislation regarding the elimination of printed gubernatorial ballot statements. As proposed by the Commission, the ballot statements can be posted online.

Chairman DeFilippis thanked Ms. Reed for her comments.

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 12:48 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz