



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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Chairman

WALTER F. TIMPONE  
Vice Chairman

AMOS C. SAUNDERS  
Commissioner

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Compliance Director

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Legal Counsel

### PUBLIC SESSION MINUTES

January 21, 2014

Chairman DeFilippis, Vice Chairman Timpone, 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. Commissioner Saunders participated by telephone.

The Public Session Minutes will be available online on 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, 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 December 18, 2013.

#### 3. Executive Director's Report

##### A. Big Six Committee Report

Executive Director Brindle reported that the Big Six committees have spent a total of \$14.7 million, which is a 14 percent increase over the amount spent in 2009. However, notwithstanding that increase, the amount is less than the amount spent in 1993. He added that overall, Republican committees raised \$7 million, while Democratic committees raised \$6.8 million.

B. Offsite Training Sessions

The Executive Director announced that staff will be participating in two offsite training sessions. The first, a PPC/CPC training session to be held on March 27, will be sponsored by the Bergen GOP. The second will be sponsored by the Hunterdon County Clerk.

C. Computer Issues

The Executive Director informed the Commission that users have again experienced difficulty in accessing reports on the Commission's website. As in the past, IT staff has reacted with a number of quick fixes, but he stressed that the only real solution is to upgrade the computer system that is now 14 years old. He stated that he has met with Senators Kean and Sweeney and with Assemblyman Bramnick and Schaer, and that he expects to meet with Speaker Prieto concerning the matter.

D. Beach Bill/S-938

The Executive Director notified the Commission of Senate Bill 938, introduced by Senator James Beach. He stated that the bill included recommendations on pay-to-play, disclosure of independent expenditure groups, and increased disclosure

E. Vermont Contribution Limits

Executive Director Brindle stated that a bill has reached the desk of the Governor of Vermont which will raise contribution limits for parties and candidates. He added that the increases in Vermont may be part of a greater trend nationwide, and that ELEC has also proposed increasing contribution limits in terms of the amount that contractors affected by pay-to-play laws may contribute.

F. Susan B. Anthony List v. Driehaus

An Ohio statute which allows candidates to sue groups for lying in political campaigns has been upheld by the US District Court and the 6<sup>th</sup> Circuit Court of Appeals. The case, Susan B. Anthony List v. Driehaus, was originally brought by the candidate alleging false claims had been made by the group, the Susan B. Anthony List. The group maintains that the advertisements in question contained no falsehoods, but are challenging the Ohio law. The case is now headed to the US Supreme Court, where Executive Director Brindle anticipates that it may be reversed.

G. 2015 Budget

Executive Director Brindle announced that the Commission will receive a continuation budget in the amount of \$4.325 million, which is an increase of \$71,000 over the previous year.

H. Future Meetings Schedule

- February 18, 2014 at 11:00 a.m. in Trenton;
- March 18, 2014 at 11:00 a.m. in Trenton; and,
- April 17, 2014 at 11:00 a.m. in Trenton.

4. Report on 2013 Gubernatorial Public Financing Program

A. Review of 2013 Gubernatorial Expenditures

Compliance Director Amy Davis informed the Commission that staff will begin seeking an independent auditing firm to review the public funds expenditure activity of the 2013 publicly financed campaigns.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission voted to obtain the services of an independent auditing firm to review the public funds expenditure activity of the 2013 publicly financed candidates.

B. Report on Return of Funds by 2013 Gubernatorial Primary Election Candidate, Barbara Buono

Director Davis reported to the Commission that Primary Election Candidate Barbara Buono has been notified of the requirements regarding postelection activity and the return of unspent funds. She added that Treasurer Martin Gizzi requested that the committee be allowed to retain the remaining \$12,875 in order to satisfy any obligations that may arise in relation to the upcoming audit. Director Davis recommended that the Commission allow the committee to retain that amount in order to close their campaign.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission voted to allow Candidate Barbara Buono to retain the \$12,875 in remaining funds to allow for audit or remaining expenses.

C. Report on Reimbursement of 2013 Gubernatorial Ballot Statement Costs

Director Davis notified the Commission of the 14 counties which had applied for reimbursement of cost associated with the printing and mailing of the 2013 Gubernatorial Ballot Statements. She further recommended that the Commission approve the reimbursements totaling \$244,361.54.

Commissioner Saunders asked if there is any flexibility allowing the Commission to reimburse a county that may file after this Commission meeting. Compliance Director Davis stated that that decision would belong to the Commission; however there exists a deadline to return the funds available to the Commission for this purpose.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission voted to pay a total of \$244,361.54 to the 14 counties which had filed for Reimbursement.

5. Public Comments

Chairman DeFilippis 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 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. 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.
- 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 12:03 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director