



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

April 17, 2014

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 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 March 18, 2014

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 March 18, 2014 as amended by Chairman DeFilippis and Commissioner Saunders.

#### 3. Executive Director's Report

- A. Pay-to-Play Analytical Press Release – Executive Director Brindle announced that staff has released the information reported in the 2013 Annual Disclosure Statements. He stated that in 2013, business entities contributed \$10.1 million to NJ candidates and committees, which is an increase of 27 percent from the previous year. He also reported that filings disclosed that businesses received \$6.4 billion in contracts held, which is an 8 percent increase from the previous year.

B. Public Financing – The Executive Director informed the Commission that Mercadien, the firm selected to review publicly financed gubernatorial committees based upon the Agreed Upon Procedures will meet with those committees in late April.

C. Campaign Finance Cases – Executive Director Brindle commented on the following cases:

McCutcheon v. FEC – Executive Director Brindle reported that the U.S. Supreme Court found that laws instituting aggregate contribution limits are unconstitutional. He noted that the Attorney General of Maryland has ended the enforcement of aggregate contribution limits in that state. He noted that New Jersey has never had aggregate contribution limits, and that no corrective action was needed.

Iowa Right to Life Committee v. Tooker – Executive Director Brindle reported that the U.S. Supreme Court has rejected a challenge to an Iowa law banning corporations from making political contributions.

Susan B. Anthony List v. Driehaus – The Executive Director also reported that the U.S. Supreme Court will examine an Ohio law that prohibits mudslinging and making false accusations in a political campaign.

D. Senate Budget Hearing – Executive Director Brindle notified the Commission that he had attended the Senate Budget Hearing for the Department of Law and Public Safety. He stated that he was told he would be asked to discuss the ongoing computer issues before the panel. However, the Executive Director was not asked to testify.

E. Campaign Finance Reporting Legislation – The Executive Director noted that S-621, sponsored by Senator Sam Thompson, has received unanimous support and moved out of the Senate State Government Committee. The bill would remove the requirement that candidates file campaign reports with County Clerks, and allow that filing with only ELEC is sufficient.

F. Training Sessions – The Executive Director reported that staff has held the following off-site training sessions:

- February 27: Monmouth County Democratic Committee, Hazlet
- March 27: Bergen County Republican Committee, Hackensack

He stated that the remote training sessions provide access to candidates and treasurers who may not be able to attend a session in Trenton during ELEC business hours.

G. Future Meetings Schedule

- May 20, 2014 at 11:00 a.m. in Trenton;
- June 17, 2014 at 11:00 a.m. in Trenton; and,
- July 15, 2014 at 11:00 a.m. in Trenton.

4. Public Comments

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

5. 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. 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.
- 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

6. 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 12:54 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director