



State of New Jersey

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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Compliance Director

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Legal Counsel

PUBLIC SESSION MINUTES

May 20, 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 April 17, 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 April 17, 2014.

3. Executive Director's Report

A. Fiscal Year 2015 Budget – Executive Director Brindle announced that the proposed budget for Fiscal Year 2015 is \$4.325 million. He noted that the amount is \$71,000 greater than the budget of Fiscal Year 2014 due to salary increases for classified employees.

B. Wisconsin Right to Life – The Executive Director reported that the 7th US Court of Appeals has found a ban on corporate spending on issue adds to be unconstitutional, a decision, he said, that was consistent with that of Citizens United v. FEC. He further explained that the decision determined that PAC-like groups are exempt from disclosure if the major purpose is not election related, which is a finding inconsistent with Citizens United. Citizens United,

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he added, allowed that disclosure could be required for activity that goes beyond the functional equivalent of express advocacy.

Executive Director Brindle informed the Commission that the US Supreme Court has declined to grant certiorari in the matter of Free Speech v. FEC, thereby upholding the 10th Circuit Court's decision that permits the FEC to require registration and reporting requirements related to public communications.

- C. Training Sessions – Executive Director Brindle remarked that due to the anticipated high numbers of filers reporting activity, no training sessions have been or will be held during the month of May. He stated that training sessions will resume, beginning with a Treasurer Training Seminar on June 26th at 10 am, followed by an Electronic Filing Seminar on July 23 at 10 am.
- D. Department of Law and Public Safety Assembly Budget Hearing – The Executive Director informed the Commission that he had attended the Assembly Budget Hearing for the Department of Law and Public Safety, at which he was asked by Assemblyman Joseph Cryan about the Commission's computer needs.
- E. NJTV Interview – Executive Director Brindle stated that he had been interviewed by NJTV, and for the second time, was asked questions regarding Advisory Opinion No. 01-2014.
- F. Legislative Update – Executive Director Brindle notified the Commission that S-1647, which would expand public funding to include special elections for the Office of Governor, received the unanimous support of the Senate State Government Committee, and has moved out of that Committee.
- G. Open Data NJ – Executive Director Brindle informed the Commission that on May 15th, Deputy Director Donohue attended the Open Data Conference at Montclair State University. At the conference, which centered on transparency of public information, the Deputy Director spoke about the Commission's system of data disclosure.
- H. Independent Expenditures in Municipal Elections – The Executive Director reported that the rapid growth in activity by independent expenditure groups has now expanded to affect local politics. In particular, he pointed to the Newark and Trenton municipal elections. He noted that between the two, \$2.8 million has been spent by such groups, with \$2.7 million being spent in Newark alone. He expects that that amount spent in Trenton will increase, due to the runoff elections in the city.
- I. Future Meetings Schedule
- June 17, 2014 at 11:00 a.m. in Trenton;
 - July 15, 2014 at 11:00 a.m. in Trenton; and,
 - August 19, 2014 at 11:00 a.m. in Trenton (if necessary).

4. Public Comments

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

6. Adjournment

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone and passed by a vote of 3-0, the Commission resolved to adjourn at 12:35 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz