



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

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JEFFREY M. BRINDLE
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JOSEPH W. DONOHUE
Deputy Director

Demery Roberts
Legal Director

AMY F. DAVIS
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

June 17, 2014

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Legal Counsel Matthews, and senior staff were present. Associate Legal Director Gail Shanker and Director of Review and Investigation Shreve Marshall were 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 May 20, 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 May 20, 2014.

3. Executive Director's Report

- A. Legal Director Demery Roberts – Executive Director Brindle introduced to the Commission Demery Roberts, who has joined Commission staff as Legal Director. Since joining the bar in 1993, Legal Director Roberts has acquired a wealth of experience in capacities both inside and outside of State government. The Executive Director thanked Associate Legal Director Gail Shanker for taking on the role of Acting Legal Director in the weeks between former Legal Director Carol Hoekje's retirement and Legal Director Roberts start.

Public Session Minutes

June 17, 2014

Page 2

- B. A-2851 - The Executive Director informed the Commission that A-2851, sponsored by Assemblyman Craig Coughlin (D-19), was moved from the Assembly Judiciary Committee and was passed by the full Assembly on June 16, 2014. The bill, which was passed by the Assembly by a vote of 72-5 eliminates the requirement that a candidate file campaign reports with county clerks.
- C. A-3415 - Executive Director Brindle reported that A-3415, the companion bill to S-1647, has been introduced by Assemblywoman Linda Stender (D-22). Like its counterpart in the Senate, the bill provides for the Public Financing of Special Elections for the Office of Governor.
- D. Upcoming Cases - Executive Director Brindle reported that Judge Janet Littell of the District of Connecticut has dismissed the Democratic Governors Association's challenge of a Connecticut law that requires disclosure by issue advocacy groups.

The Executive Director informed the Commission that the United States Supreme Court has unanimously agreed to hear a challenge of an Ohio law which bans lying about political candidates brought by the Susan B. Anthony List and the Coalition Opposed to Additional Spending and Taxes. While lower courts had dismissed the challenge, the USSC will hear the challenge on First Amendment grounds.

Executive Director Brindle reported that on September 30, 2014, the DC Court of Appeals will hear Wagner v. FEC, which challenges federal Pay-to-Play rules. The challenge will center on free speech and equal protection grounds. Executive Director Brindle added that the Court of Appeals may find the ban unconstitutional based on Chief Justice John Roberts's definition of "corruption." He added that a decision finding the ban to be unconstitutional could impact NJ's Pay-to-Play laws. The Executive Director stated that the Legislature should implement the Commission's suggested changes.

- E. Training Seminars – Executive Director Brindle announced that Training Sessions will resume on the following dates:
- Candidate Committee Treasurer Training: 9/11 and 9/30 at 10am;
 - Party and CPC Treasurer Training: 6/26, 9/23, and 12/10 at 10am; and,
 - Electronic Filing: 7/23, 9/9 and 10/1 at 10am.
- F. Administrative Procedures Act – Executive Director Brindle stated that the Administrative Procedures Act has been amended to require the use of electronic technologies in the rulemaking process beginning on July 1, 2014. He added that due to the work of Michelle Levy and Kim Roman, the Commission is fully compliant with this requirement.
- G. Future Meetings Schedule
- July 15, 2014 at 11:00 a.m. in Trenton;
 - August 19, 2014 at 11:00 a.m. in Trenton (if necessary); and,
 - September 16, 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 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.
- D. Personnel matters concerning the hiring of outside legal counsel, which will become public upon appointment of such counsel.

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 12:53 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director