



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

July 15, 2014

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Commissioner Saunders participated by telephone. Senior Review Officer Brett Mead 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 June 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 June 17, 2014.

3. **Executive Director's Report**

- A. Computer System Upgrade – Executive Director Brindle announced that in addition to its operating budget, the Commission has been granted \$2 million for the dedicated purpose of upgrading its computer systems. He stated that the upgrade will include a move to have all reports filed electronically. Further upgrades will involve rewriting Electrack, upgrading imaging and document management, adding new features, and developing electronic filing software. The Executive Director noted that since staff had

been optimistic about receiving the funds, much of the preliminary work involving vendor selection was complete.

Chairman DeFilippis thanked staff for their perseverance in obtaining funds. He asked if there were other states that could be considered at the technological forefront. Executive Director Brindle responded that ELEC is among the top agencies in the nation. Director of Information Technology Carol Neiman stated that in comparison to other states' campaign finance disclosure agencies, ELEC has always been among the elite. She added that since the current system uses older technologies which need to be replaced, the task is not only to replace that system, but to plan for the next 10, 15, and 20 years. Deputy Director Donohue stated that while there are agencies in other states that may do well in particular areas, no other agency has the breadth of jurisdiction, responsibilities and duties covering as many areas of campaign finance disclosure as ELEC.

Chairman DeFilippis asked if Treasury or staff controlled the purchasing process. Executive Director Brindle replied that authorization to move forward with the project will require bureaucratic review and several levels of approvals.

Chairman DeFilippis asked when staff could expect the project's completion. Director of Information Technology Neiman replied that she believed the project can be completed within a year. The Executive Director cautioned that much of the time table may be affected by delays in obtaining necessary approvals.

- B. Constitutional Officers Association of New Jersey – Executive Director Brindle informed the Commission that he was invited to speak at a meeting of the Association, where he would discuss the Commission's proposals for obtaining the disclosure of the financial activity by independent groups.
- C. A2851 – Executive Director Brindle notified the Commission that A2851, which will end the practice of candidates filing duplicate reports with county clerks, has been approved by the Legislature, sent to Governor Christie and is awaiting his signature. He noted that the Governor has 45 days to sign the bill into law.
- D. Pay-to-Play Information Sessions – Staff will be holding pay-to-play information session on the following dates and times:
 - Friday, August 1, 2014 at 10 a.m.;
 - Friday, September 19, 2014 at 10 a.m.; and,
 - Friday, November 14, 2014 at 10 a.m.
- E. Review of Publicly Financed Candidates – Executive Director Brindle reported that the review of publicly financed candidates is ongoing. He stated that Mercadien, the firm selected to conduct the review, expects to deliver a final report by the end of the month.
- F. 2nd Quarterly Reports – Executive Director Brindle reported that the information obtained from the 2nd Quarterly reports will be disclosed on the following dates:

- July 17th – State Political Party Committees and Legislative Leadership Committees; and,
- July 21st – Continuing Political Committees and Political Committees.

G. Vermont Right to Life v. Sorrell – Executive Director Brindle reported that the US Court of Appeals for the 2nd Circuit has issued a decision which validates disclosure requirements. The case involves the Vermont Right to Life Committee, which makes direct contributions to candidates, and the Vermont Right to Life Committee - Fund for Independent Political Expenditures which claimed to be a separate fund that makes independent expenditures. The Court found that the independent expenditure arm was not operating separately and may be subject to both disclosure requirements and contribution limits. Between the two committees, the Court saw coordination and the co-mingling of funds, and that there was no firewall between those working on political committees and independent committees.

H. Future Meetings Schedule

- August 19, 2014 at 11:00 a.m. in Trenton (if necessary);
- September 16, 2014 at 11:00 a.m. in Trenton; and,
- October 21, 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. 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 12:34 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz