



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Vice Chairman

AMOS C. SAUNDERS
Commissioner

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Legal Counsel

PUBLIC SESSION MINUTES

September 16, 2014

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Legal Counsel Matthews, and senior staff were present. Compliance Director Amy Davis, Director of Review and Investigation Shreve Marshall, and Assistant Legal Director Amanda Haines 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 July 15, 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 July 15, 2014.

3. **Approval of Public Session Minutes of August 8, 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 August 8, 2014.

4. Executive Director's Report

- A. A-2851: Executive Director Brindle informed the Commission that Governor Christie has signed A-2851. The law eliminates the requirement that candidates file campaign reports with the county clerks, and requires that the websites of the clerks now include a link to ELEC's website.
- B. Special Interest Report: The Executive Director announced that ELEC has released an analysis of the activity of special interest groups over the last 15 years. He reported that over that time span, the 25 highest spending special interest groups had spent \$163 million on direct contributions to candidates and committees, \$107 million on lobbying, and \$41 million on independent expenditures, combining toward a total of \$311 million dollars. Executive Director thanked the author of the report, Deputy Director Joe Donohue and noted that the report has received much positive press.

- C. Legal Challenges: Executive Director Brindle apprised the Commission of the following cases:

CRG v. Barland – The Executive Director informed the Commission that US District Judge Rudolph Randa has issued a preliminary injunction ordering the Wisconsin Accountability Board to not enforce contribution limits. Executive Director Brindle stated that this sets the stage for a challenge to contribution limits.

Committee for Justice and Fairness v. Arizona – Executive Director Brindle informed the Commission that the Arizona Court of Appeals has ruled that Independent Expenditure groups can be required to disclose contributors even when no express advocacy has taken place.

- D. Computer: Executive Director Brindle provided an update to the Commission concerning the ongoing upgrade of the Commission's computer system. He stated that no physical work has started, as the Office of Information Technology (OIT) requires numerous approvals before any work can commence.

The first step in this process, he said, is a System Architectural Review (SAR), which will determine what impact Data Miner—the software, which will allow the viewing of reports and data—will have on OIT resources. After that review, the software will be configured on each PC.

The next step will involve an online resources component. This will allow the electronic filing by PACs, Parties, and LLCs. Since this filing will happen from outside of the Commission's system and will use OIT databases and servers, this review will test for security and the impact it will have on OIT resources.

The Executive Director said that staff would then obtain approvals from the Department of Archival and Records Management (DARM) to use Data Miner. The Executive Director continued that the software typically offered by DARM would not be of much use for ELEC's purposes.

Finally, staff must obtain approval from the Office of Management and Budget in order to make purchases and expend any of the dedicated funds.

- E. Training: Executive Director Brindle announced that staff has made upgrades to the 8th floor training room. He stated that the technical tools in that room have been repaired and their use simplified to increase staff's capacity to conduct training sessions.
- F. Interview: Executive Director Brindle notified the Commission that he will be the subject of two television interviews. The first, which will discuss the special interest spending analytical report, will take place on September 17 and will air on NJTV that evening. The second interview will take place on September 18 and will cover independent expenditures. The Executive Director stated that he believed that interview will air on My9 within two weeks.
- G. Legislative Proposals: Executive Director Brindle informed the Commission that Assemblyman Raj Mukherji (D-33) has sought staff's input in introducing legislation that would require independent expenditure disclosure and reform existing Pay-to-Play laws. The Executive Director stated that he advised Assemblyman Mukherji to introduce the reforms as two bills, believing that a bill remaking Pay-to-Play laws would have much greater support than one affecting independent expenditures.
- H. Future Meetings Schedule:
 - October 21, 2014 at 11:00 a.m. in Trenton;
 - November 18, 2014 at 11:00 a.m. in Trenton; and,
 - December 16, 2014 at 11:00 a.m. in Trenton.

5. 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.

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 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

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 12:52 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz