



State of New Jersey

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Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

December 16, 2014

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Commissioner Saunders participated by telephone. Director of Review and Investigation Shreve Marshall was also present. Assistant Legal Directors Theresa Lelinski and Steven McManus 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. Executive Director Brindle 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 November 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 November 18, 2014.

3. Executive Director's Report

A. Training Sessions – Executive Director Brindle announced that staff has scheduled 17 training sessions to be held in the upcoming year. He stated that staff has scheduled five sessions for campaign treasurers, four CPC and PPC training sessions, four electronic filing training sessions, and four pay-to-play training sessions.

B. Holmes v. Federal Election Commission (FEC) – The Executive Director apprised the Commissioners of litigation which may affect the Commission. Currently, the FEC

limits contributions by individuals to \$2,600 in the primary and \$2,600 in the general election. The challenge seeks to alter these limits so that an individual may give \$5,200 in total during an election cycle. The challenger asserts that since candidates may roll over contributions raised during the primary into their general campaign accounts, a candidate in an uncontested primary enjoys an advantage over candidates that were involved in contested primaries. Executive Director Brindle noted that ELEC's rules are constructed in a similar manner to the FEC's and that this case could have an impact on ELEC's current rules.

- C. Federal Spending Bills – Executive Director Brindle commented on the recent spending package approved by Congress. He noted that the bill included a rider which increased the contribution limits for contributions to political parties. The Executive Director expressed his belief that raising the limits may help to stem the tide of money that would otherwise find its way to independent expenditure groups.
- D. Computer Upgrades – The Executive Director stated that staff has not yet received the required approvals to continue with the computer upgrades. He reported that while awaiting those approvals, staff is making upgrades to Electrack, the software used by staff to access filed reports.
- E. Commendation of Legal Staff – Executive Director Brindle took the opportunity to specifically recognize the dedication shown by the members of the Legal Section. He informed the Commissioners that due to burgeoning workloads and the number of active cases, staff attorneys have worked long hours, over holidays and weekends. He added that staff attorneys do not receive overtime compensation.

Chairman DeFilippis also expressed the Commission's gratitude.

- F. Compliance Section Activity – Executive Director Brindle stated that during the month preceding the recent election, Compliance staff processed nearly 6,000 reports and aided the public over 1,300 times.
- G. Budget Meeting – The Executive Director announced that he attended the preliminary "Fishbowl" meeting at which he learned that budget for the next fiscal year will be a continuance budget at \$4.35 million. Executive Director Brindle stated that staff has requested an additional \$158,000 in order to cover the increased costs imposed by the Office of Information Technology (OIT). Further, Commission staff is working with Office of Management and Budget (OMB) staff to assure that the \$2 million appropriation for upgrading the computer system is carried over to Fiscal Year 2016 if needed.
- H. Future Meetings Schedule
 - January 20, 2015 at 11:00 a.m. in Trenton;
 - February 17, 2015 at 11:00 a.m. in Trenton; and,
 - March 17, 2015 at 11:00 a.m. in Trenton.

4. Public Comments

Chairman DeFilippis asked if any members of the public wished to comment.

At this point, former State Senator Bill Schluter addressed the Commissioners to inform them of his attendance at the Council on Governmental Ethics Laws (COGEL) annual conference. He expressed disappointment that representatives of the Commission were not in attendance. He stated that the conference is an excellent source of information on the areas of campaign finance, lobbying, and governmental ethics.

Executive Director Brindle noted that ELEC senior staff members had previously been active participants in the COGEL activities, but that staff can no longer obtain travel approval from the State to attend.

Chairman DeFilippis thanked Mr. Schluter for his comments.

The Chairman then asked if any other 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 Vice Chairman Timpon, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to adjourn at 11:58 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz