



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

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AMY F. DAVIS
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

March 17, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall and Associate Legal Director Michelle R. Levy were also present. Special Programs Analyst Scott Fagerty was present for the purpose of recording the minutes. Commissioner Saunders participated by telephone.

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 February 12, 2015**

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 February 12, 2015.

3. **Approval of Public Session Minutes of February 17, 2015**

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission approved the Public Session Minutes of February 17, 2015. Commissioner Saunders did not participate in the approval of these minutes.

4. **Approval of Public Session Minutes of February 20, 2015**

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 February 20, 2015.

5. Executive Director's Report

- A. Annual Lobbying Analytical Press Release – Executive Director Brindle announced that staff has summarized the information obtained from the lobbying annual reports. In all, lobbyists spent \$58 million in 2014, which is an eight percent drop from the previous year. In particular, he pointed to less activity by the New Jersey Education Association. The Executive Director characterized the pattern in yearly lobbyist spending as an “ebb and flow,” noting that expenditures typically range between \$55 and \$60 million.
- B. Relocation of Commission Offices – The Executive Director stated that the Commission is still slated to move to its new location at the end of 2015. He stated that the roof of the building is currently under repair, which has led to a delay in obtaining a certificate of occupancy.
- C. Computer Upgrade – Executive Director Brindle reported that work has begun on DataMiner, the software that will be used for the document storage and scanning aspect of the upgraded system. He added that of the total \$2 million project cost, \$1 million has been spent, while staff remains diligent in allocating the remaining \$1 million to enhance and add to the Commission's electronic filing capability.
- D. Campaign Finance Issues – The Executive Director notified the Commission that the U.S. Department of Justice has announced an increase in scrutiny of the relationship between candidates and independent spending groups and super PACs. In particular, Executive Director Brindle pointed to the recent guilty plea made by a campaign operative that coordinated \$325,000 spent by a super PAC with a congressional campaign that was run by that operative.

In addition, the Executive Director noted that the U.S. Supreme Court rejected an appeal from an organization of opponents of same-sex marriage in California who had sought to keep donors secret. The fact that the Supreme Court denied certiorari can be seen as another expression of support for disclosure of contributor information, he said.

- E. Pay-to-Play – Executive Director Brindle notified the Commission that the Business Entity Annual Disclosure Statements are due on March 30, and that an analytical press release will be made available in early April.
- F. Training Seminars – Executive Director Brindle announced that staff will conduct the following training seminars:
- Pay-to-Play Business Entity Training: 3/13 and 3/25;
 - Candidate Committee Treasurer Training: 3/18, 3/31, and 4/23;
 - Political Party Committee Training: 3/26; and,
 - Electronic Filing Training: 3/19, 4/2, and 4/28.

G. Annual Report – The Executive Director informed the commissioners that the annual report will be available to them for their approval at the April Commission meeting. He continued that the report is due to be filed with the Legislature on May 1, 2015.

H. Future Meetings Schedule

- April 21, 2015 at 11:00 a.m. in Trenton;
- May 19, 2015 at 11:00 a.m. in Trenton; and,
- June 16, 2015 at 11:00 a.m. in Trenton.

6. Item No. 6. – Adoption of Proposed New Amendments to Eliminate Requirement to File Copies of Reports with County Clerks

Associate Legal Director Michelle Levy provided a summary for the adoption of proposed new amendments concerning elimination of the requirement to file duplicate copies of reports with county clerks. The proposed amendment was published in the December 1, 2014 edition of the New Jersey Register and is also posted on the Commission's website.

No members of the public appeared to testify at the public hearing held on February 17, 2015. One written comment was received from Richard J. Edgar. Associate Legal Director Michelle Levy noted that the suggestions submitted by Mr. Edgar would first require legislative action.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders, and passed by a vote of 3-0, the Commission approved the new amendments concerning elimination of the requirement to file duplicate copies of reports with county clerks.

7. 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.

8. 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

9. 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 11:28 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz