



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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Legal Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

May 26, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall was 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 April 21, 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 April 21, 2015 as amended by Chairman DeFilippis.

3. Executive Director's Report

- A. Analytical Press Release – Executive Director Brindle reported that county party organizations have raised \$1.1 million and spent that same amount. He continued, stating that total spending reached the highest level since 2011. However, the financial activity is far less than reported by county organizations prior to the implementation of pay-to-play in 2006. Executive Director Brindle said also that the increase in independent expenditures has contributed to the overall decline in county party financial activity.

Executive Director Brindle disclosed that candidates for Assembly have raised a total of \$11.5 million, while spending \$6.2 million in the first quarter of 2015; activity which is consistent with first quarter activity of the four previous assembly election cycles. He stated that Democratic candidates have raised \$7.2 million and spent \$4.2 million, while Republican candidates have raised and spent \$3.8 million and \$1.9 million, respectively.

- B. Campaign Finance Issues – Executive Director Brindle informed the Commission of Yamada v. Snipes, in which the U.S. Court of Appeals for the 9th Circuit upheld Hawaii’s Disclosure Regulations and Contractor Contribution ban. The Executive Director also discussed Independence Institute v. FEC, in which the challenging party is seeking to eliminate the electioneering communications provision in federal law. The electioneering provision requires disclosure by independent groups 30 days before the primary and 60 days before the general election. Noting that the U.S. Supreme Court has previously given strong support to the constitutionality of disclosure requirements, Executive Director Brindle stated that he expects the Court to uphold the provision.
- C. SCR 164 – On May 14, 2015, Executive Director Brindle testified before the Senate State Government, Wagering, Tourism, and Historic Preservation Committee in support of SCR 164. Sponsored by Senator Jim Whelan, SCR 164 would place a proposed constitutional amendment on the ballot in order to provide for a special primary for governor in the event that there is a vacancy in the Office of Governor. The proposed amendment would stipulate that a special primary be held on the date of a regular primary election. Currently, no provision exists that would allow the holding of a special primary election for governor.
- D. Computer Upgrade – The Executive Director provided an update on the computer upgrade. He informed the Commissioners that all approvals have been obtained and work is proceeding on every aspect of the project. In addition to work on the components of the structural framework, which allow for the scanning and imaging of documents and the information storage system, the upgrade will allow for the electronic filing of lobbying quarterly reports as well as electronic filing for political party committees and PACs. In addition, the public will soon have the ability to search expenditure information in addition to contribution information. The Executive Director is pleased to report that the upgrade has come in under budget.
- E. Relocation of Commission Offices – The Executive Director stated that the office relocation is slated for February 2016.
- F. Training Sessions – Executive Director Brindle announced the following training sessions:
- Electronic Filing: July 28 and September 24, 2015;
 - Campaign Treasurer: September 17 and September 29, 2015; and
 - CPC and Political Party Treasurer: June 17 and September 15, 2015.

G. Future Meetings Schedule

- June 16, 2015 at 11:00 a.m. in Trenton;
- July 21, 2015 at 11:00 a.m. in Trenton;
- August 18, 2015 at 11:00 a.m. in Trenton (if needed); and,
- September 15, 2015 at 11:00 a.m. in Trenton.

4. Public Hearing Concerning Annual Fee for Governmental Affairs Agents Proposed Amendment: N.J.A.C. 19:25-20.20.

Chairman DeFilippis announced that a public hearing was being conducted to solicit public comment on the proposed amendment concerning N.J.A.C. 19:25-20.20. He said that to implement imposition of the proposed fee increase, the Commission proposes that N.J.A.C. 19:25-20.20(a) and (b) be amended to indicate a \$575.00 annual fee for each Governmental Affairs Agent.

Legal Director Demery Roberts reported on the proposed amendment to N.J.A.C. 19:25-20.20 regarding the annual registration fee for Governmental Affairs Agents. She stated that notice of the proposal appeared in the New Jersey Register on March 2, 2015 at 47 N.J.R. 518(a). Notice also appeared on the Commission's website, pursuant to the Open Public Meetings Act, and through secondary notice. She stated that the matter would be brought before the Commission on June 16, 2015 for a vote on adoption of the proposed amendment.

No members of the public appeared to offer comment.

A court reporter was available to record the proceedings. The transcript will be available to the public for inspection upon request.

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. Investigative Reports of possible violations, which reports will not become public. 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

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 11:51 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz