



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

Respond to:
P.O. Box 185
Trenton, New Jersey 08625-0185

(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

Website: <http://www.elec.state.nj.us/>

JEFFREY M. BRINDLE
Executive Director

JOSEPH W. DONOHUE
Deputy Director

Demery J. Roberts
Legal Director

STEPHANIE A. OLIVO
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

July 21, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Senior Review Officer Brett Mead 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 June 16, 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 June 16, 2015.

3. Executive Director's Report

A. Budget – Executive Director Brindle informed the Commission that the budget for Fiscal Year 2016 will be a continuation budget of \$4.345 million.

B. Computer Upgrade – Executive Director Brindle stated that every necessary approval has been obtained and that all funding has been cleared. He commended Information Technology staff for coming in \$113,000 under budget.

- C. Relocation of Commission Offices – Executive Director Brindle stated that the roof of the building which will house the Commission offices has been replaced, however the work to upgrade the air conditioning and heating system remains ongoing. While the move is still scheduled for February 2016, Executive Director Brindle remains skeptical of meeting that target. He said that he will be holding a meeting with Treasury officials to get an update on the move.
- D. Assembly Primary Election Analytical Press Release – Executive Director Brindle reported that candidates in the primary election for the general assembly have collectively raised \$14.7 million dollars and spent \$12.5 million. He said that independent spending groups expended \$1 million in that same election.
- E. “Big Six” Analytical Press Release – Executive Director Brindle announced that the “Big Six” committees have raised \$2.5 million and spent \$2 million. The Republican committees have raised \$1.3 million and spent \$1.1 million, while the Democratic committees have raised and spent \$1.2 million and \$900,000, respectively. The figures represent the continuing downward spiral of party fundraising.
- F. Campaign Finance Issues – Executive Director Brindle provided an update on Wagner v. FEC, stating that the District Court upheld a ban on contributions by federal contractors to federal candidates and committees. The unanimous decision was decided en banc, which according to Executive Director Brindle, further strengthens the possibility that the case will not be taken up by the U.S. Supreme Court.

Executive Director Brindle also informed the Commission of the outcome of another case, Wisconsin, Two Unnamed Petitioners v. John Doe, in which the Wisconsin Supreme Court found that independent expenditures that do not expressly advocate the election or defeat of a candidate cannot be subject to regulation. He said that it is doubtful that this ruling will stand given it is at variance with Citizens United and its strong stand on disclosure.

- G. S-2049 (Rice) – Executive Director Brindle informed the Commission of legislation currently awaiting the Governor’s signature. The legislation would allow ward committees in Newark, and only Newark, to be treated as municipal political party committees (MPPCs). Since ward committees are continuing political committees and contribution limits are much more restrictive than those for MPPCs, Executive Director Brindle believes that this bill would create a chaotic situation in which other municipalities would seek the same treatment.
- H. Future Meetings Schedule
- August 18, 2015 at 11:00 am in Trenton (if needed);
 - September 15, 2015 at 11:00 am in Trenton;
 - October 20, 2015 at 11:00 am in Trenton; and,
 - November 17, 2015 at 11:00 am 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. 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 12:05 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director