



State of New Jersey

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

ELECTION LAW ENFORCEMENT COMMISSION

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

November 17, 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.

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 October 20, 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 October 20, 2015.

3. Executive Director's Report

- A. Director of Information Technology – Executive Director Brindle introduced to the Commission Anthony Giancarli as the Commission's next Director of Information Technology. Recently promoted from the Information Technology staff, Director Giancarli has been deeply involved with the recent computer upgrades as the section's project manager. Executive Director Brindle expressed his confidence in Director Giancarli, adding that his promotion signifies a commitment to improving the Commission's Information Systems.

With outgoing Director of Information Technology Carol Neiman unable to attend the meeting, the Executive Director relayed to the Commissioners her thanks for their support throughout the years.

- B. 11-Day Legislative Analytical Report – Executive Director Brindle announced the information gathered from the 11-day reports. He stated that in total, \$20.6 million had been spent in relation to the recent legislative election. Of that total, candidates spent approximately \$12 million, while independent groups spent \$8.5 million. He added that information gained after the 11-day report suggests that independent groups spent \$9.1 million. The Executive Director noted that the amount spent by independent groups represents 45 percent of the total.
- C. Big Six Activity – Executive Director Brindle reported that compared to activity in 1999, fundraising by the State Political Party Committees and four Legislative Leadership Committees is down by 52 percent. In total, the Big Six committees raised \$3.9 million while spending \$3.6 million.
- D. County Political Parties – The Executive Director Brindle announced that the County Political Party Committees have also experienced a decline in fundraising activity. In the third quarter, these committees have raised \$4.8 million while having spent \$4.2 million.
- E. Compliance – Executive Director Brindle announced that as of the 11-day pre-election filings, compliance stands at 91 percent, which is consistent with the rates seen in previous elections.

Chairman DeFilippis stated that oversight agencies often automatically issue notices with penalties when a filing has been missed. He asked if that was within the Commission's ability.

Legal Director Roberts answered that the Commission is statutorily required to first issue a complaint before assigning any penalty.

Director of Review and Investigation Marshall added that automatic penalties would create a fine schedule which would limit the discretion available to the Commissioners.

Executive Director Brindle stated that legislation would be required in order to institute procedures similar to those envisioned by the Chairman.

- F. Calls for Revival of Parties – While Commission staff have long called for measures to counteract the deleterious effects of increased independent spending groups and pay-to-play prohibitions, Executive Director Brindle noted that others are joining staff in calling for the revival of political parties. The Executive Director cited a report issued by the Brennan Center for Justice and a new book by former congressmen Martin Frost and Tom Davis entitled Partisan Divide, both of which highlight the need for strengthened political parties.

- G. Williams-Yullee v. Florida Bar – Executive Director Brindle informed the Commissioners that the United States Supreme Court has upheld the right of the state to ban elected judges from soliciting campaign contributions. He added that the Court determined that a state’s interest in preserving public confidence in the integrity of its judiciary goes beyond interest in preventing the appearance of corruption in legislative and executive elections.
- H. State Senator Thompson – Executive Director Brindle reported that Senator Thompson has assured senior staff that he will support initiatives to increase funding for the Commission. The Executive Director is hopeful that the Commission will soon be able to boost its investigative and legal capacities.
- I. League of Municipalities – Executive Director Brindle reported that staff members Titus Kamal and Danielle Hacker will represent the Commission at the annual New Jersey League of Municipalities convention that will be held in Atlantic City on November 17–19, 2015.
- J. Future Meetings Schedule
- December 15, 2015 at 11:00 am in Trenton;
 - January 19, 2016 at 11:00 am in Trenton; and,
 - February 16, 2016 at 11:00 am in Trenton.

4. Adoption of 2016 Commission Meeting Calendar

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission adopted the 2016 meeting schedule as presented by staff.

5. Commission Proclamation

Chairman DeFilippis read aloud a proclamation honoring Compliance Officer Joseph Barish and congratulating him on his impending retirement.

6. 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.

7. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, 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

8. Adjournment

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to adjourn at 11:50 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz