



State of New Jersey

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

ELECTION LAW ENFORCEMENT COMMISSION

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Compliance Director

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Legal Counsel

PUBLIC SESSION MINUTES

December 15, 2015

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

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 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 November 17, 2015.

3. Executive Director's Report

A. Budget Meeting – Executive Director Brindle stated that the Commission can expect to operate on a budget of \$4.5 million in fiscal year 2017. While the amount is \$120,000 greater than the previous budget, the additional funds will be dedicated to salary increases and computer costs. In addition to the \$4.5 million, the Commission will receive \$14 million to administer the Gubernatorial Public Financing Program for the 2017 primary election. The

Executive Director anticipates, however, that the Commission will require more than the \$14 million amount. He stated that the Department of the Treasury will be obligated to provide additional funds in that situation.

- B. Information Technology Update – Director of Information Technology Anthony Giancarli addressed the Commission and provided an overview of the progress made in the overhaul of the Commission’s computer systems. Director Giancarli stated that the upgrade will allow the Commission to require that quarterly lobbyist reports be filed electronically. That function will be operational by the end of January.
- C. Relocation of Commission Offices – Executive Director Brindle stated that the Commission is still waiting for approvals from the Department of the Treasury.
- D. Legal Staff – Executive Director Brindle informed the Commission that the search for a new member of the legal staff is nearing completion and that a selection would be made shortly.
- E. 20-Day Post Election Reports – The Executive Director reported that the 20-day postelection reports show that spending in the recent assembly election reached \$30 million, which is a record for elections in which only the assembly is involved. Of that total, \$10.7 million, or 35 percent, was spent by outside groups, while legislative candidates spent over \$19 million.
- F. Evenwel v. Abbott – Executive Director Brindle reported that the United States Supreme Court will decide whether redistricting in Texas should be based on the total number of eligible voters as opposed to its current basis, total population. The Executive Director stated that he does not expect the Court to rule in favor of the change, though if it did, it could affect legislative elections in New Jersey.
- G. Future Meetings Schedule
 - January 19, 2016 at 11:00 am in Trenton;
 - February 16, 2016 at 11:00 am in Trenton; and,
 - March 15, 2016 at 11:00 am in Trenton.

4. Public Hearing - Proposed Amendments and New Rules Concerning Lobbying Reporting Obligations and Commission Rulemaking

Chairman DeFilippis announced that a public hearing was being conducted to solicit public comment on proposed new rule N.J.A.C. 19:25-2.6 to require a public hearing on a rulemaking notice of proposal, and amendments to N.J.A.C. 19:25-20.4, 20.5, 20.7 through 20.9C, 20.16, 20.19, and 20.20, to require Governmental Affairs Agents and represented entities to file lobbying forms and reports electronically.

Associate Legal Director Michelle R. Levy reported on the proposed new rule concerning Commission rulemaking and the proposed amendments regarding lobbying reporting obligations. She stated that notice of the proposal appeared in the New Jersey Register on October 19, 2015 at 47 N.J.R. 10(2), 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 January 19, 2015 for a vote on adoption of the proposed new rule and amendments.

No individuals appeared to offer testimony.

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 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

7. 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 11:46 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director