



State of New Jersey

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Chairman

WALTER F. TIMPONE
Vice Chairman

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

January 19, 2016

Chairman DeFilippis, Legal Counsel Matthews, and senior staff were present. Vice Chairman Timpone participated by telephone. 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.

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 December 15, 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 December 15, 2015.

3. Executive Director's Report

- A. Computer Upgrade – Executive Director Brindle announced that staff remains on target to unveil the newly designed Commission website in April. At that time, lobbyists will be required to file quarterly reports electronically.
- B. Relocation of Commission Offices – The Executive Director informed the Commission that the relocation of staff offices will occur no earlier than June. He expressed doubts that the Division of Property has made any progress in the past 13 months. Currently, the Division of Property is submitting floor plans for code review. Once the necessary permits are obtained, the bidding process will commence.
- C. Miller v. FEC (formerly Wagner v. FEC) – Executive Director Brindle reported that the United States Supreme Court (USSC) is considering whether or not to hear Miller v. FEC. The case, which was formerly known as Wagner v. FEC, challenges the FEC's ban on political contributions made by government contractors. Although New Jersey does not have a total ban on contributions by public contractors, Executive Director Brindle stated that a decision striking down the FEC's ban may impact Pay-to-Play prohibitions in New Jersey.
- D. Eagleton Fellows – Executive Director Brindle stated that the Commission will once again utilize the services of two Eagleton Fellows, Gina Streeter and Adam Pirtle as interns.
- E. NPR Interview – The Executive Director stated that he was interviewed by National Public Radio. The interview, which dealt with the rise of independent spending groups will be broadcast in early March in an episode of the Network's new program *Reveal*.
- F. Annual Report – Executive Director Brindle reminded the Commissioners that the photographs that will be used in the Annual Report will be taken at the March Commission meeting.
- G. Staff – Executive Director Brindle stated that staff will begin the process of hiring a replacement for Compliance Officer Joseph Barish, who retired at the end of 2015. He added that he will be scheduling meetings with legislative leaders and the Governor's Office in order to have vacancies on the Commission filled.
- H. Commission Nominees – The Executive Director stated that due to the beginning of a new legislative session, the nomination of Eric Hector Jaso will have to be resubmitted by the Governor.
- I. Future Meetings Schedule
- February 16, 2016 at 11:00 am in Trenton;
 - March 15, 2016 at 11:00 am in Trenton; and,
 - April 19, 2016 at 11:00 am in Trenton.

4. Adoption of Proposed New Rule Concerning Commission Rulemaking and Proposed Amendments Regarding Lobbying Reporting Obligations

Associate Legal Director Michelle Levy provided a summary for the adoption of the proposed new rule concerning Commission rulemaking to define “sufficient public interest” in public hearings, and amendments to rules concerning lobbying mandatory electronic filing and other filing clarifications. The proposed amendment was published in the New Jersey Register on October 19, 2015, and is also found on the Commission’s website.

No members of the public appeared to testify at the December 15, 2015, public hearing. One written comment was received via email from a person who identified herself as “Jean Public.”

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission approved the new rule concerning Commission rulemaking and proposed amendments regarding lobbying reporting obligations.

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 enter 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 enter 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

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 11:48 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz