

# ELEC

## 2009 Annual Report

***The New Jersey Election  
Law Enforcement  
Commission***

[www.elec.state.nj.us](http://www.elec.state.nj.us)  
*April, 2010*





## COMMISSIONERS AND SENIOR STAFF

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### Commission's Office

New Jersey Election Law Enforcement Commission  
28 West State Street, 13<sup>th</sup> Floor  
Trenton, New Jersey

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

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



From left: Legal Director Carol L. Hoekje, Legal Counsel James P. Wyse, Commissioner Albert Burstein, Chair Jerry Fitzgerald English, Vice Chair Amos C. Saunders, Executive Director Jeffrey M. Brindle, and Deputy Director Joseph W. Donohue.



## MISSION STATEMENT

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# ELEC

The essence of Democracy is an informed electorate. It is the fulfillment of this goal that the New Jersey Election Law Enforcement Commission (ELEC) embraces as its valued mission.

Established in 1973, ELEC monitors the campaign financing of all elections in the State. Whether the election is for Governor or Mayor, member of the Legislature or a City Council, candidates and campaign organizations are required to file with the Commission contribution and expenditure reports.

The Commission also administers the law requiring candidates for the Governorship and Legislature to make public their personal finances prior to election day. Moreover, ELEC administers those sections of the law, which establish a filing obligation on the part of lobbyists and their clients.

In addition, the Commission is responsible for administering partial public financing of gubernatorial primary and general elections, for rule making, and, as part of its regulatory duties, for holding public hearings. Finally, ELEC exercises its enforcement authority, ensuring the integrity of the financial aspects of the State's electoral process.

A major part of New Jersey's system of elections, the Election Law Enforcement Commission has upheld a tradition of fair, but energetic, administration of the State's financial disclosure laws. That tradition is strong today and will remain so in the future.



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# HOW TO CONTACT ELEC

	<b>BY VISITING OUR OFFICES LOCATED AT:</b>	
	<b>BY MAIL AT:</b>	
	<b>BY TELEPHONE AT:</b>	
	<b>BY FAX AT:</b>	
	<b>VIA THE INTERNET AT:</b>	
<p>N.J. Election Law Enforcement Commission 28 West State Street 13<sup>th</sup> Floor Trenton, NJ</p>	<p>N.J. Election Law Enforcement Commission P.O. Box 185 Trenton, NJ 08625-0185</p>	
<p>(609) 292-8700</p>	<p>Toll Free Within New Jersey 1-888-313-ELEC (3532)</p>	
<p>48-hour reporting of contributions and expenditures made between 13 days prior to election and election day:</p>	<p>(609) 292-7662</p>	
<p>Requests:</p>	<p>(609) 633-9854</p>	
<p>Administration:</p>	<p>(609) 777-1448</p>	
<p>Legal:</p>	<p>(609) 777-1457</p>	
<p><a href="http://www.elec.state.nj.us/">http://www.elec.state.nj.us/</a></p>		



## THE COMMISSION

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### **Jerry Fitzgerald English, Chair**

Jerry Fitzgerald English, former Commissioner of the Department of Environmental Protection and Legislative Counsel to Governor Brendan T. Byrne, was appointed to the Commission in January, 2004. Mrs. English was named Chair in July of that year and reappointed to a second term by Acting Governor Richard J. Codey in 2005.

Long involved in service to the people of New Jersey, Mrs. English is a past Commissioner of the Port Authority of New York and New Jersey and a former State Senator.

Chair English, in addition to being a member of the New Jersey, American, and International Bar Associations, was a founding member of the Women's Political Caucus, a former member of the Democratic National Committee, and an honorary trustee of the Passaic River Coalition.

Currently a partner in the law firm of Lindabury, McCormick, Estabrook, & Cooper, P.C., Mrs. English is: a former member of the Board of Directors of the Regional Plan Association, Co-chair of the American Bar Association Litigation Subcommittee on Eminent Domain, on the Board of Visitors for the School of Science and Liberal Arts at New Jersey Institute of Technology (NJIT), a member of the Leadership Council of Harvard Law School, and a trustee of the New Jersey Federal Bar Association.

Mrs. English is an attorney specializing in environmental law. She has been an expert witness for the New Jersey courts for private clients in environmental cases and has published extensively in a variety of journals regarding environmental issues of great importance. Mrs. English currently is on the editorial board of the New Jersey Law Journal. She serves as

President in The Justice Stewart G. Pollock Environmental Inn of Court.



Jerry Fitzgerald English, Chair

A former candidate for the U.S. House of Representatives, Chair English shares her knowledge of government and environmental problem solving with students at NJIT as an adjunct instructor.

Mrs. English holds a B.A. in International Relations from Stanford University and a J.D. from Boston College Law School combined with studies at Harvard University Law School. Her husband, Dr. Alan English, and she reside in Summit, New Jersey.



## THE COMMISSION continued

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### Amos C. Saunders, Vice Chair

Amos C. Saunders, a retired Superior Court Judge from Passaic County, was appointed to the Commission in June, 2008. Named to the bench in 1977 by Governor Brendan T. Byrne, he was the county's only Chancery Division judge on general equity matters. He handled some of the most difficult cases in Passaic history including: right-to-die cases, injunctive relief litigation, corporate dissolutions, and difficult will and probate cases.

A member of the New Jersey and Passaic County Bar Associations, Vice Chair Saunders is of counsel to the Clifton law firm of Carlet, Garrison, Klein and Zaretsky. He is admitted to practice before the United States Supreme Court.

Judge Saunders has served as a Municipal Court Judge in Totowa, a Totowa Municipal Attorney, and an Administrative Law Judge for the Waterfront Commission of New York Harbor.

Long involved in volunteer activities, Vice Chair Saunders has served as the chairman of the Fairlawn March of Dimes and as a trustee of the Totowa Volunteer Ambulance Corps. for more than 40 years.

Judge Saunders, one of the nation's premier experts on boxing law, is well known for presiding over several cases with such luminaries as Don King, Mike Tyson, Lennox Lewis, and Evander Holyfield appearing in his courtroom. He was named by International Boxing Digest as one of the most powerful people in the sport.

Formerly a faculty member of the National Judicial College, which is highly recognized for training judges and other court personnel, Vice Chair Saunders received a B.A. from Hampden-Sydney College and a J.D. from the Columbia University School of Law.

Married, Vice Chair Saunders and his wife, Janet, reside in Totowa. The couple have three children.



Amos C. Saunders, Vice Chair



## THE COMMISSION continued

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### Albert Burstein, Commissioner

Albert Burstein, a former Majority Leader of the New Jersey General Assembly, was appointed to the Commission in June, 2004.

A member of the American, New Jersey, and Bergen County Bar Associations, Commissioner Burstein is a partner in the Hackensack law firm of Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, & Harz, L.L.C.

While in the Assembly, Commissioner Burstein was the Chairman of the Assembly Education Committee from 1974-75 and again from 1980-81. He also served on numerous other committees and commissions, including: the Election Law Revision Committee, the Capital Budgeting and Planning Commission, and the Public Employees Relations Study Commission. The Commissioner is noted for sponsoring Title 19A, a total revision of the State's election laws, and the Gubernatorial Public Financing Law of 1974.

A former Chairman of the State Commission of Investigation Review Committee, Commissioner Burstein is: former Chairman of the New Jersey Law Revision Commission, former Chairman of the Bergen County IIB South District Ethics Committee, and former member of the New Jersey Law Journal editorial board.

Commissioner Burstein is a graduate of Columbia College and Columbia University Law School. In addition to practicing law, he continues to be involved in many civic and charitable causes. In past years, he was President of the Occupational Center of Hudson County and a Trustee of the Jewish Hospital and Rehabilitation Center of Jersey City.

Married to Ruth Burstein, the couple reside in Tenafly and have three children and three grandchildren.



Albert Burstein, Commissioner



## THE COMMISSION continued

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### Jeffrey M. Brindle, Executive Director

Jeffrey M. Brindle's experience as a regulator as well as in various governmental and electoral capacities allows him to bring an uncommon perspective to the position of Executive Director.

As Deputy Director, Brindle oversaw budgetary and personnel planning and development, participated in public policy development, and engaged in legislative and press relations. He also oversaw the Commission's transformation from a manual-based operation to a technological-based one, an effort begun in the 1990's.

Executive Director Brindle authored twenty analytical white paper reports on campaign financing and lobbying and published articles in newspapers, magazines, and periodicals. He also authored the recent report on the Clean Elections Pilot Program, prepared the Cost Analysis Report, and wrote the report on the Commission's technological needs.

The Executive Director managed governmental offices at various levels and branches of government and brings experience in electoral politics to the position. His academic credentials include a B.A. degree from Rutgers, The State University of New Jersey and an M.A. degree in political science from Villanova University. He is also affiliated with The College of New Jersey (TCNJ) as an adjunct professor in the Political Science Department.

Prior to coming to ELEC in 1985, Brindle had been the Director of the Public Information Office at the State Department of Community Affairs, a Legislative Staff Director, Somerset County Deputy County Clerk, New Brunswick Public Information and Complaints Director, and Executive Director of the Union County Chapter of the March of Dimes.

He has also been a candidate for Assembly and a Municipal Chairman. Brindle and his wife Karen have four children.



Jeffrey M. Brindle, Executive Director



## THE COMMISSION continued

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### James P. Wyse, Legal Counsel

James P. Wyse was selected to be the Commission's Legal Counsel in 1994, and began serving in that capacity in January, 1995.

Mr. Wyse is an attorney with the firm of Herold Law, P.A. in Warren, New Jersey. He specializes in the areas of corporate and commercial law, real estate, environmental law, and estate planning.

Mr. Wyse, admitted to practice in New Jersey and before the United States Court of Appeals for the Third Circuit, has argued cases in that Court and before the New Jersey Supreme Court.

As Counsel for a number of national, State, and local land trust organizations, Mr. Wyse has developed special expertise regarding conservation and agricultural easements and innovative land preservation techniques.

Mr. Wyse received a B.A. degree from Bucknell University and J.D. degree with honors from the Rutgers University School of Law.



James P. Wyse, Legal Counsel



# ELEC OVERVIEW

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## 1973

- Frank P. Reiche, Chair
- Judge Sidney Goldmann, Vice Chair
- Judge Bartholomew Sheehan, Commissioner
- Florence P. Dwyer, Commissioner

## 1974-1979

- Frank P. Reiche, Chair
- Judge Sidney Goldmann, Vice Chair
- Josephine Margetts, Commissioner
- Archibald S. Alexander, Commissioner

## 1980-1981

- Judge Sidney Goldmann, Chair
- Josephine Margetts, Vice Chair
- Andrew C. Axtell, Commissioner
- M. Robert DeCotiis, Commissioner

## 1982-1983

- Andrew C. Axtell, Chair
- M. Robert DeCotiis, Vice Chair
- Justice Haydn Proctor, Commissioner
- Alexander P. Waugh, Jr., Commissioner

## 1984-1986

- Andrew C. Axtell, Chair
- Alexander P. Waugh, Jr., Vice Chair
- Justice Haydn Proctor, Commissioner
- Owen V. McNanny III, Commissioner

## 1987-1988

- Judge Stanley G. Bedford, Chair
- Owen V. McNanny, III, Vice Chair
- Andrew C. Axtell, Commissioner
- David Linett, Commissioner

## 1989-1990

- Judge Stanley G. Bedford, Chair
- Owen V. McNanny, III, Vice Chair
- David Linett, Commissioner
- S. Elliott Mayo, Commissioner

## 1991-1992

- Owen V. McNanny, III, Chair
- Judge Stanley G. Bedford, Commissioner
- David Linett, Commissioner

## 1993-1994

- Owen V. McNanny, III, Chair
- William H. Eldridge, Vice Chair
- David Linett, Commissioner

## 1995

- William H. Eldridge, Chair
- Owen V. McNanny, III, Vice Chair
- David Linett, Commissioner
- Michael Chertoff, Commissioner

## 1996

- Judge Ralph V. Martin, Chair
- David Linett, Vice Chair
- Paula A. Franzese, Commissioner

## 1997-2000

- Judge Ralph V. Martin, Chair
- David Linett, Vice Chair
- Paula A. Franzese, Commissioner
- Lynnann B. Ware, Commissioner

## 2001

- Judge Ralph V. Martin, Chair
- Paula A. Franzese, Vice Chair
- Lynnann B. Ware, Commissioner
- Susan S. Lederman, Commissioner

## 2002-2003

- Judge Ralph V. Martin, Chair
- Paula A. Franzese, Vice Chair
- Susan S. Lederman, Commissioner
- Peter J. Tober, Commissioner

## 2004-2006

- Jerry Fitzgerald English, Chair
- Peter J. Tober, Vice Chair
- Albert Burstein, Commissioner
- Judge Theodore Z. Davis, Commissioner

## 2007

- Jerry Fitzgerald English, Chair
- Peter J. Tober, Vice Chair
- Albert Burstein, Commissioner

## 2008-2009

- Jerry Fitzgerald English, Chair
- Peter J. Tober, Vice Chair
- Albert Burstein, Commissioner
- Judge Amos C. Saunders, Commissioner

## 2010-Present

- Jerry Fitzgerald English, Chair
- Judge Amos C. Saunders, Vice Chair
- Albert Burstein, Commissioner

## EXECUTIVE DIRECTORS

1973-1976	David F. Norcross
1976-1981	Lewis B. Thurston, III
1981-1984	Scott A. Weiner
1984-2009	Frederick M. Herrmann
2009-Present	Jeffrey M. Brindle

## LEGAL COUNSEL

1973-1994	Edward J. Farrell
1994-present	James P. Wyse

## CONSULTANT

1973-1978,	Herbert E. Alexander
1982,	
1986-1988	



## COMMISSION STAFF

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### EXECUTIVE

Jeffrey M. Brindle, M.A., Executive Director  
Joseph W. Donohue, Deputy Director  
Steven Kimmelman, M.A., Research Associate  
Elbia L. Zeppetelli, Administrator  
Maureen Tilbury, Executive Secretary

### COMPLIANCE DIVISION

#### Campaign Financing and Lobbying

Evelyn Ford, Esq., Compliance Director  
Linda White, Director of Lobbying  
Todd J. Wojcik, Director of Campaign Financing  
Kimberly Key, Senior Compliance Officer  
Titus Kamal, Associate Compliance Officer  
Nancy Fitzpatrick, Associate Compliance Officer  
Maite Urtasun, Assistant Compliance Officer  
Marcus Malmignati, Assistant Compliance Officer  
Danielle Hacker, Assistant Compliance Officer  
Christopher Vigale, Assistant Compliance Officer  
Milene Matos, Assistant Compliance Officer  
Joseph Barish, Assistant Compliance Officer  
Monica Triplin-Nelson, Technical Assistant  
Elizabeth A. Michael, Technical Assistant  
Desiree DeVito, Technical Assistant  
Samira Wood, Technical Assistant  
Michel Donato-Suarez, Clerk  
Linda Lopez, Clerical Assistant

### LAW DIVISION

#### Legal

Carol L. Hoekje, Esq., Legal Director  
Gail Shanker, Esq., Associate Legal Director  
Michelle R. Levy, Esq., Associate Legal Director  
Amanda Haines, Esq., Assistant Legal Director  
Theresa Lelinski, Esq., Assistant Legal Director

#### Review and Investigation

Leonard Gicas, Esq., Director  
Shreve E. Marshall, Jr., Associate Director  
Brett Mead, Senior Review Officer  
Christopher Guear, M.P.A., Associate Review Officer  
Matthew Krinsley, Assistant Review Officer  
Christopher Mistichelli, Assistant Review Officer  
Lovinsky Joseph, Assistant Report Examiner  
Renee Zach, Legal Secretary

### Special Programs

Amy F. Davis, Esq., Director  
Christine Aquilante, Special Programs Analyst  
Laura Jurkiewicz, Special Programs Analyst  
Scott M. Fagerty, Special Programs Analyst

### Public Financing Program

Jennifer Kirby, Public Financing Analyst  
Julie Latsko, Public Financing Analyst  
Kap Sin, Information Technical Specialist  
Elias Amaya, Information Technical Specialist

### OPERATIONS DIVISION

#### Information Technology

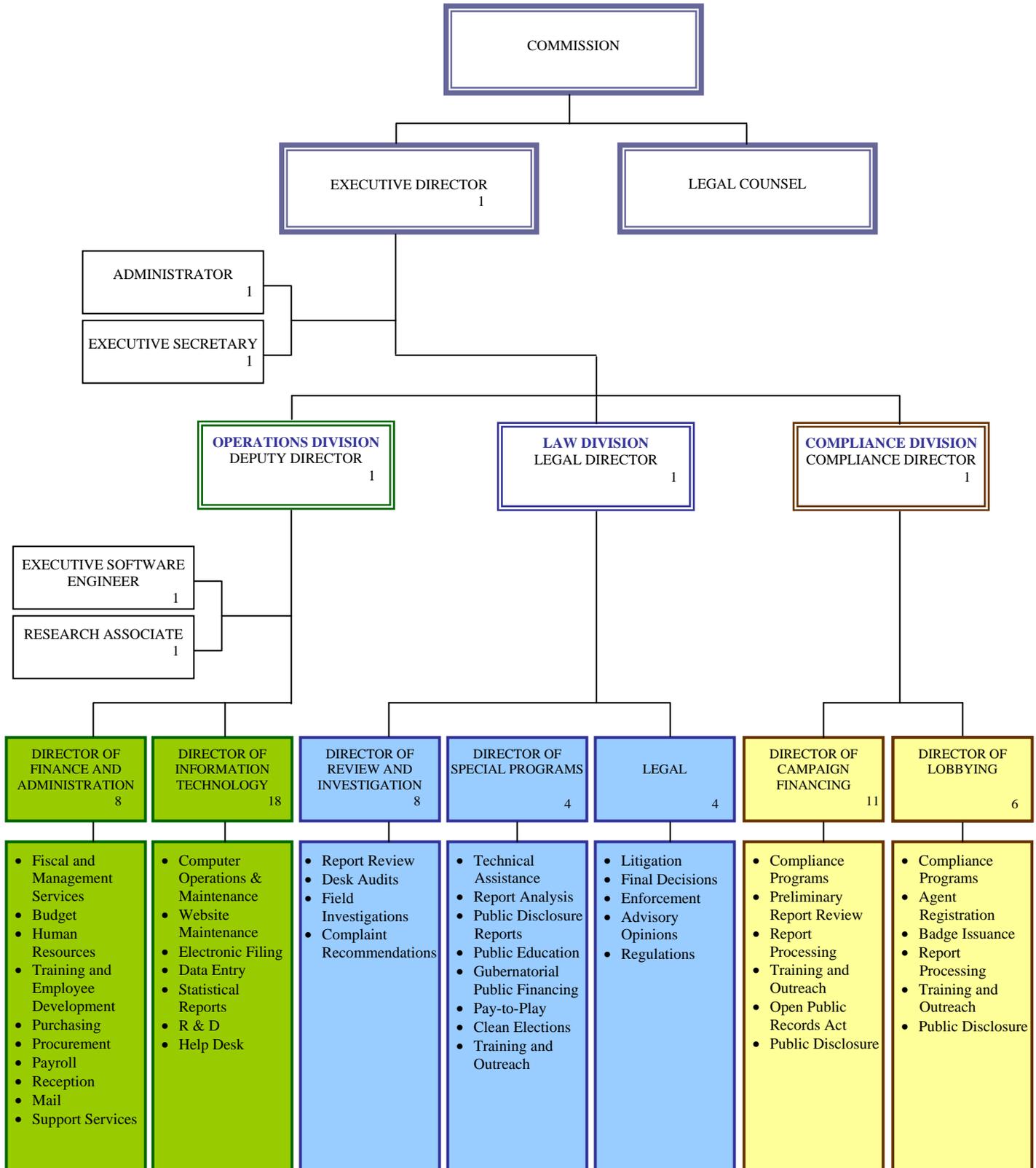
Carolyn Neiman, Director  
Kim Vandegrift, Associate Director  
Brian Robbins, Executive Software Engineer  
Anthony Giancarli, Associate Systems Administrator  
Aydan A. Altan, Assistant Software Engineer  
Peter Palaitis, Associate Help Desk Technician  
Louis Solimeo, Associate Computer Technician  
Ken Colandrea, Assistant Computer Technician  
Maryanne Garcia, Principal Webmaster  
Brenda A. Brickhouse, Data Entry Supervisor  
Darlene Kozlowski, Assistant Data Entry Supervisor  
Shirley R. Bryant, Senior Data Entry Technician  
Nelly R. Rosario, Associate Data Entry Technician  
Barbara Counts, Associate Data Entry Technician  
Pamela Kinsey, Associate Data Entry Technician/Secretary  
Helen Kelly, Associate Data Entry Technician  
Tamika McCoy, Assistant Data Entry Technician  
Susan Danley, Assistant Data Entry Technician  
Tamico Flack, Assistant Data Entry Technician

### Finance and Administration

Steven M. Dodson, M.B.A., Director  
Elaine J. Salit, Senior Fiscal Officer  
Anita Vaingankar, M.S., Personnel Officer  
Debra A. Kostival, Principal Receptionist  
Irene Comiso, Senior Receptionist  
Aracelis Ocasio, Senior Clerk  
Meggan Mathies, Clerk  
Igor Milewski, Clerk



# TABLE OF ORGANIZATION





## STATUTORY HISTORY OF ELEC

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- **Commission** created by P.L. 1973, c.83 (N.J.S.A. 19:44A-1 et seq.) – “The New Jersey Campaign Contributions and Expenditures Reporting Act” - effective date: April 24, 1973.
- **Gubernatorial Public Financing Program** established by P.L. 1974, c.26 (N.J.S.A. 19:44A-27 et seq.) - effective date: May 6, 1974.
- **Personal Financial Disclosure Program** established by P.L. 1981, c.129 (N.J.S.A. 19:44B-1 et seq.) - effective date: May 1, 1981.
- **Lobbying Program** established by P.L. 1981, c.150 (N.J.S.A. 52:13C-18 et seq.) - effective date: May 22, 1981.
- **Continuing Political Committee (PACs) Quarterly Reporting** established by P.L. 1983, c.579 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: January 17, 1984.
- **Lobbying Reform** established by P.L. 1991, c.243 (amendments to N.J.S.A. 52:13C-18 et seq.) - effective date: January 1, 1992.
- **Campaign Finance Reform** established by P.L. 1993, c.65 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: April 7, 1993.
- **Street Money Reform Law** established by P.L. 1993, c.370, (codified as N.J.S.A. 19:44A-11.7) - effective date: January 7, 1994.
- **Uniform Recall Election Law** established by P.L. 1995, c. 105, (codified as N.J.S.A. 19:27A-1 et seq.) - effective date: May 17, 1995.
- **Political Identification Law** established by P.L. 1995, c. 391, (codified as N.J.S.A. 19:44A-22.2 and 22.3) - effective date: February 1, 1996
- **Contribution Limit Changes** established by P.L. 2001, c. 384 (amendments to N.J.S.A. 19:44A-1 et seq.) – effective date: January 8, 2002.
- **Campaign Financing Reform Initiatives** established by P.L. 2004, c. 19, 21, 22, 28, 29, 30, 31, 32, 33, 123, and 174 (amendments to N.J.S.A. 19:44A-1 et seq.) – effective dates from June 16, 2004 through January 1, 2006.
- **Clean Elections Pilot Project** established by P.L. 2004, c. 121 – effective date August 11, 2004.
- **Lobbying Law Expansion** established by P.L. 2003, c. 255 (effective April 13, 2004) and P.L. 2004, c. 20, 27, 34, 36, 37, and 38 (amendments to N.J.S.A. 52:13C-18 et seq.) – effective dates April 13 through August 16, 2004.
- **Pay-to-Play Contracting Reform** (amendments to N.J.S.A. 19:44A-1 et seq.) established by P.L. 2004, c. 19 (codified as N.J.S.A. 19:44A-20.3 through 20.12) - effective January 1, 2006; P.L. 2005, c. 51 (codified as N.J.S.A. 19:44A-20.13 through 20.25) - portions retroactive to October 15, 2004 and portions effective January 1, 2006; and, P.L. 2005, c.271 (codified as N.J.S.A. 19:44A-20.26 and 20.27) - effective January 5, 2006
- **2007 Clean Elections Pilot Project** established by P.L. 2007, c. 60 – effective date March 28, 2007.
- **Office of Lieutenant Governor** established by P.L. 2009, c. 66 – effective date June 26, 2009.



From left: Steve Kimmelman and Elbia Zeppetelli



## MESSAGE FROM THE CHAIR

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Public corruption lies heavy on the minds of New Jersey residents.

That's why the recent decision by the New Jersey Supreme Court upholding the Commission's Advisory Opinion No. 01-2008 is so highly gratifying to the members.

In January 2008, the Commission ruled that former State Senator Wayne Bryant could not use campaign funds for "legal fees and other expenses in connection with his defense of the criminal indictment."

Subsequently, the Commission's advisory opinion was appealed to the Appellate Division of the Superior Court, which affirmed the decision rendered by the Commissioners.

The legal team of the former State Senator then appealed and was granted a petition for certification by the New Jersey Supreme Court.

In its decision, the State's highest court upheld the Commission's advisory opinion by a 5-0 vote and prohibited the use of campaign funds to pay for a criminal defense.

The opinion maintained that "contributors do not expect that their candidate's election will be a stepping stone to a criminal indictment."

Congratulations are in order for Legal Director Carol L. Hoekje, who wrote the advisory opinion, and Commission Legal Counsel James P. Wyse, who defended it in court.

With last year's Gubernatorial and Assembly elections, not to mention local elections, the Commission was once again center-stage; an integral part of the election's process.

New Jersey is known for its gubernatorial public matching program, a model for the nation. And, it is the Commission that administers this very important program.

During the most recent gubernatorial contest, including the primary and general elections, the Commission disbursed a total \$14.2 million to participating candidates. To ensure that candidates are able to communicate their message to voters, the Commission's able Special Programs staff thoroughly reviews all submissions and seeks to provide the funds in an expeditious manner.

In terms of thoroughness and efficiency, the credibility of the Commission is unmatched.

To qualify for matching funds, candidates must raise and spend \$340,000 in private contributions. Two candidates in the primary and two candidates in the general election participated in the program.

Candidates participating in the program were subjected to a cap on public matching funds and an expenditure limit.

The past gubernatorial contest marked a new era in New Jersey, one in which for the first time the citizens elected a Lieutenant Governor. This new dimension led to the Commission selecting sponsors for not only the two Gubernatorial debates but also for the first-ever Lieutenant Gubernatorial debate.

The Gubernatorial debates were held on October 1st and October 16th, while the Lieutenant Gubernatorial debate was held on October 8<sup>th</sup>. Once again Commission staff did a commendable job in managing all facets of the program.

A contest for the Assembly also took place last year. One initiative among many was to provide to the public pre- and post-election analytical press releases highlighting trends in Assembly campaign finance activity.

The snap-shot analyses showed that Assembly candidates raised \$18 million and spent \$15.8 million during the general election cycle, a dramatic decline of 26 percent in receipts and 28 percent in expenditures from four years before.



Jerry Fitzgerald English, Chair



## MESSAGE FROM THE CHAIR continued

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The decrease was attributed to economic conditions and importantly to the impact of pay-to-play laws. Snap-shot analyses of financial activity by the gubernatorial candidates, by the big six committees, and by county party organizations showed similar reductions.

Perhaps the most significant initiative in years was undertaken by the Commission in 2009. For the first time, the Commission made available a local contributor database. This initiative was widely hailed by both the press and the public.

It allows citizens to sort county and municipal donations by individual contributor and analyze them electronically. The database is very helpful toward monitoring pay-to-play at the local level.

Due to the extraordinary efforts of the Data Entry staff as well as the Information Technology professionals, headed by Carol Neiman, the local database initiative was accomplished.

As I have mentioned in past annual reports, there is no more important task than the Commission's mission of disclosure and its efforts in the area of computer technology. Despite the budgetary climate, the Information Technology staff not only maintained the same level of service but even exceeded that which was accomplished in the past.

The Commission's website was again upgraded and improvements in electronic filing were implemented as well. The newly upgraded Gubernatorial Electronic Filing System (GEFS) permitted candidates for governor to by-pass filing by CD and file disclosure reports directly over the Internet.

In addition, because of the upgrade to the pay-to-play electronic filing system completed in 2008, pay-to-play filings went smoothly with reports made available in a very short period of time.

As always, the Commission maintained its standard of excellent service in the area of compliance. In addition to conducting the customary in-house training seminars, the Compliance Division took to the road last year in beginning a series of off-site seminars.

During 2009, approximately 30,842 reports were scanned and processed and 8,825 photocopied for the public.

Overall, the efforts of the Compliance Division brought about a compliance rate of 90 percent. Moreover, the Division amply complied with the requirements of the Open Public Records Act (OPRA) in providing information to the public. In both campaign financing and lobbying, the Compliance staff is available to provide valuable information and assistance to the public.

The Commission recognizes that it is a partner with other law enforcement agencies in the fight against corruption. In addition to its strong efforts to bring increased transparency to the electoral process, the Commission is redoubling its efforts in the area of enforcement.

An aggressive approach toward enforcement is critical toward reducing public corruption and enhancing the public's trust in government. The Commission takes these charges seriously.

For example, the Review and Investigation Section completed 38 investigations, which resulted in penalty recommendations. The Legal staff issued a total 102 complaints and 90 final decisions against entities violating the campaign financing laws.

Needless to say, and I write on behalf of the members of the Election Law Enforcement Commission (ELEC), we are very proud of the achievements of the past year and the continued good morale of the staff despite the difficult economic times.

Of the Commission, it can truly be said, "the staff has done more with less."

Finally, the Commission's loss is the Administration's gain. Peter Tober, Vice Chair, the most experienced member, recently left the Commission to become Assistant Counsel to the Governor. Peter Tober will be greatly missed on the Commission.

I also want to mention Frederick M. Herrmann, longtime executive director, who retired in 2009. His service will always be missed.

On behalf of the members of the Election Law Enforcement Commission, including newly elected Vice Chair Amos C. Saunders, and Commissioner Albert Burstein, I proudly submit this report to the Legislature.



## EXECUTIVE DIRECTOR'S REMARKS

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It's been an exciting year for ELEC.

This past November the Commission introduced its local contributor database. The initiative reflects the proactive approach taken in many areas by the Commission.



Jeffrey M. Brindle, Executive Director

In July, ELEC began publishing a monthly electronic newsletter, ELEC-Tronic. By providing snapshot pre- and post-election analyses of emerging trends in campaign financing, the Commission went beyond simply making reports available to the public via the Internet or in print form.

Moreover, the Commission prioritized recommendations for reform of pay-to-play, lobbying, and campaign finance rules. Through meetings with executive and legislative leaders the Commission worked to advance its proposals.

In 2009, ELEC initiated a Candidate and Treasurer Training Outreach Program. Training was conducted in various locations throughout the State as well as in-house.

Another initiative embraced new media. Through YouTube announcements the Commission promoted its core mission of disclosure.

Featuring Chair Jerry Fitzgerald English, the YouTube spots, produced by Information Technology Director Carol Neiman and Assistant Computer Technician Kenneth Colandrea, helped bring valuable information to the public.

An important function of the Commission is enforcement. In assuming a more aggressive posture the Commission worked in tandem with other law enforcement agencies to help root out public corruption.

As Executive Director, two important goals have been set: 1) to enhance the profile of the Commission, thereby contributing to a more informed electorate, and 2) to increase the role played by ELEC in fashioning reform legislation.

The initiatives noted above are an integral part of that effort.

The local contributor database has been very well received by the public and the press. In a press conference in November, this new addition to the Commission's database was unveiled.

This initiative, brought about through the hard work of the Data Entry staff, allows citizens to find out who is making contributions to county and municipal candidates in an easy and straightforward manner.

More complete disclosure of county and municipal donations not only helps to bring about a greater awareness of financial activity at the local level but will enhance enforcement of pay-to-play laws.

ELEC-Tronic, for instance, is circulated to those who subscribe and receive notice of Commission activities by email. Since the inception of the newsletter



## EXECUTIVE DIRECTOR'S REMARKS continued

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the subscriber list has increased from about 300 to over 1,000.

As the months have rolled by, the newsletter has acquainted the State's residents with important information in the areas of campaign finance, gubernatorial public financing, lobbying, and pay-to-play.

As part of its effort to bring greater transparency to the electoral process, the Commission provided pre- and post- analytical press releases during the 2009 general election campaign.

The analytical releases were valuable in demonstrating the impact of the economy and pay-to-play laws on the financial activity of gubernatorial candidates, assembly candidates, the big-six committees, and county party committees.

In each case financial activity dropped precipitously.

In prioritizing its legislative recommendations, meeting with public officials, and publicly announcing its proposals, the Commission has been on the ground floor in offering to policymakers its expertise in the areas of campaign financing, lobbying, and pay-to-play.

Its priority recommendations include:

- Simplifying and standardizing pay-to-play;
- Disclosure by lobbyists of activity on behalf of local government entities and lobbying of those entities;
- A limit on contributions between political parties;
- Disclosure of 527 committee activity;
- Personal financial disclosure reform; and,
- Restrictions on PAC proliferation.

While just two off-site treasurer training seminars were held last year, the two marked the start of a new outreach initiative that will add new sites as the years

go by. In addition to seminars held in East Brunswick and Atlantic City, the Commission staff conducted five additional training sessions at its offices in Trenton.

Last year the Commission utilized YouTube to begin providing special public announcements to the citizens of New Jersey. One provided information about the Commission in general and announced the dates and times of the Gubernatorial and Lieutenant Gubernatorial debates. A second discussed the introduction of the local contributor database, advising citizens how to access it.

With corruption a major concern of the public, the Commission redoubled its efforts in the area of enforcement. In addition to prosecuting high level violations of the Campaign Act, Commission staff conducted training sessions in campaign law for several deputy attorney generals.

Through increased transparency and heightened enforcement efforts, the Commission is partnering with those attempting to uncover public corruption, in the long run thereby enhancing trust in the electoral and governmental processes.

The New Jersey Election Law Enforcement Commission is an integral part of the electoral process in New Jersey. The public depends on ELEC to provide up-to-date information on financial activity of candidates, party entities, PACs, and lobbyists. That core mission was upheld, and even advanced in 2009 through the initiatives noted above.



## LEGISLATIVE REVIEW AND RECOMMENDATIONS

As ELEC's Executive Director, Jeff Brindle set an ambitious goal for the Commission—to expand its role in shaping reform legislation. In close consultation with ELEC staff, initiatives were developed and prioritized for legislative action.



Joseph W. Donohue  
Deputy Director

In January, the list was presented to the Commission where after discussion members of the Commission offered their unanimous endorsement of the priority initiatives as well as for numerous longstanding initiatives.

The Executive Director also testified before the Assembly Judiciary Committee on the potential impact of the “Citizens United” ruling by the U.S. Supreme Court on campaign finance laws. The Court ruled on January 21 that the government may not ban election-related advertising by corporations and unions.

Brindle testified that the ruling should have little impact in New Jersey in part because the State did not ban such spending. “Our laws emphasize disclosure,” he said. In preparing for the Assembly Judiciary Committee hearing, Brindle developed a recommendation for greater disclosure by 527 political committees that take part in New Jersey campaigns. A bill that incorporates this suggestion already has been introduced into the Legislature. The “Citizens United” case, with its strong support of disclosure, opened the door to New Jersey capturing this activity.

The Commission presents its recommendations to the Legislature for its careful consideration.

### ***PRIORITY RECOMMENDATIONS***

***Simplifying and standardizing “pay-to-play” laws by prohibiting business entities from entering county or municipal contracts above \$17,500 if they make certain political donations.***

- **Potential Benefit:** Extending the prohibition that applies to state contractors to county and municipal contractors should greatly reduce the “pay-to-play” influence of business entities.

***Disclosure of 527 committee activity.***

- **Potential Benefit:** Non-profit groups organized under Section 527 of the IRS code have become active players in political campaigns nationally and in New Jersey. Yet, disclosure by these groups is woefully inadequate.

***Expand the regulation of “wheeling” to include contributions by county political party committees to other county political party committees during the entire year to avoid circumvention of the contribution limits.***

- **Potential Benefit:** This will avoid intentional or unintentional evasions of contribution limits. Currently, there is no limit on transfers between county party committees during the general election.

***Require lobbying activity on behalf of government agencies to be disclosed by registered lobbyists.***

- **Potential Benefit:** Wider disclosure could help discourage unnecessary spending by public entities and provide more transparency over governmental activities.

***Broaden the governmental activities law to include lobbying local governmental entities.***

- **Potential Benefit:** These changes would dovetail with current pay-to-play disclosure rules that are intended to prevent contractors from exerting undue influence over public officials. Local vendors who make political donations must report them to ELEC if they have major government contracts. They are not required to disclose any indirect influence they exert through lobbyists. A new disclosure requirement would fix that oversight.



## LEGISLATIVE REVIEW AND RECOMMENDATIONS continued

***Place the personal financial disclosure statements of candidates on the Internet and change the filing date to improve efficiency.***

- **Potential Benefit:** Personal financial disclosure forms of candidates discourage conflicts of interest by revealing information about the wealth and assets of those who seek elected office. This goal can be enhanced by providing timely Internet access to these reports making it easier for New Jersey citizens to be an informed voter. Providing candidates with more time in which to carefully complete these forms, along with a less confusing due date, will enhance compliance and disclosure with the law.

***Prohibit the proliferation of affiliated PACs in New Jersey.***

- **Potential Benefit:** This regulation would prevent one group from establishing numerous PACs as conduits to evade the contribution limits and “Pay-to-Play” laws.

### **OTHER INITIATIVES**

#### **Cost Savings and Efficiencies**

- Delete the statutory requirement that a candidate file a copy of every election fund report with the county clerk in the county where the candidate resides.
- Study the effectiveness of the gubernatorial ballot statement program to determine whether or not it is an effective means of communicating the candidates’ messages to New Jersey voters and to recommend alternatives to the ballot statement program.
- Eliminate the gubernatorial spending qualification threshold.
- Lengthen Commissioner terms to six years from three years (1985) and select the Commission Chair for a fixed term (1998).

#### **Increase Public Disclosure**

- Add political ID to grassroots lobbying materials.
- Include funds in the Commission’s public financing budget specifically for the purpose of advertising the mandatory gubernatorial debates in New Jersey newspapers.
- Study the impact of increasing the number of required debates for publicly-financed candidates from two to three in the primary and general elections (Recommendation for study 2005).
- Study expansion of lobbying reporting requirements to include activity of outside governmental affairs agents hired by public entities.

#### **Strengthen Campaign Finance, Personal Financial Disclosure and Lobbying Laws**

- Reduce the annual contribution limit to county political party committees to conform to the limit for State political party committees.

- Enhance penalties for impermissible use of candidate committee funds.
- Conform the penalty provisions of the Personal Financial Disclosure law to the “New Jersey Campaign Contributions and Expenditures Reporting Act” (Campaign Act).
- Require disclosure of occupation and employer information for contributions from individuals in the aggregate in excess of the \$300 disclosure threshold on reports filed by an Inaugural event committee.
- Include in the definition of “candidate” all appointees to fill vacancies for elected offices.
- Increase the penalties for public financing violations to conform to penalties applicable for other Campaign Act violations because the public financing penalty amounts have not been changed since 1974.
- Conform the penalty provisions of the Lobbying Disclosure law to those of the Campaign Act.
- Ban the use of partnership funds for the purpose of making contributions.
- Prohibit a political committee or continuing political committee from containing in its name the name of a candidate or officeholder.
- Amend the 48-hour notice requirement for continuing political committee expenditures to require that notices be filed for expenditures made in municipal, school, and special elections, as well as primary and general elections.
- Require that the name given to a candidate’s campaign depository account contain the name of the candidate.



## COMPLIANCE DIVISION

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During calendar year 2009, high profile Gubernatorial and Legislative elections created a burgeoning workload for ELEC. In a climate of declining budgets and mandatory furloughs, the staff of the Compliance Division did an outstanding job in meeting its objective of thwarting violations of the law through compliance enforcement programs, educational outreach, and public disclosure. The Compliance Division played a major role in enhancing not only the regulated community's ability to comply with the law, but in providing for the timely release of campaign finance and lobbying data to the citizens of New Jersey so that they would be informed voters in the important 2009 elections.

required to file both campaign and personal financial disclosure reports, but are also required to have treasurers who have completed the Commission's formal training program. Furthermore, Gubernatorial and Legislative candidates raising or spending in excess of \$100,000 in the election are required to file their reports electronically. To provide an optimum level of support to these candidates, reminder materials were mailed directly to each candidate and additional treasurer training seminars for electronic filing were held. After each filing date, non-filer and delinquent letters were promptly mailed to candidates to help minimize violations of the law.



Standing from left: Maite Urtasun, Joseph Barish, Michel Donato-Suarez, Danielle Hacker, Marcus Malmignati, Nancy Fitzpatrick, Linda White, Todd Wojcik, Linda Lopez, and Milene Matos.  
Sitting from left: Titus Kamal, Christopher Vigale, Kim Key, Evelyn Ford, and Desiree DeVito.

### **GUBERNATORIAL AND LEGISLATIVE ELECTIONS**

The Compliance Division's workload typically surges during years when there are both Gubernatorial and Legislative elections. Candidates are not only

Furthermore, in June of 2009, legislation providing for the Office of the Lieutenant Governor was signed into law. Candidates for the Office of the Lieutenant Governor were required to file a personal financial disclosure statement and to sign on to the Gubernatorial candidate's depository forms.



## COMPLIANCE DIVISION continued

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### **LOCAL ELECTIONS AND PACS**

In addition to the Gubernatorial and Legislative elections, New Jersey had numerous elections at the local level (school board, municipal, runoff, primary, general, and special). In excess of 6,000 candidates and committees filed 24,330 reports for the 2009 elections. These reports, too, were scanned to the website, providing prompt campaign finance data to interested website visitors.

Compliance with the “New Jersey Campaign Contributions and Expenditures Reporting Act” (Campaign Act) remained high throughout 2009 in large part as a result of the compliance enforcement programs and outreach efforts of the staff of the Compliance Division. During 2009, there were 1,767 PACs (Continuing Political Committees, Legislative Leadership Committees, and Political Party Committees) filing reports with the Commission.

The website provided a tremendous source of information throughout 2009, and greatly expanded the ability of the Compliance Division’s staff to provide support to the regulated community. Compliance Manuals, as well as other important information, such as forms, instructions, reporting dates, advisory opinions, and regulations were accessible from the site.

To encourage voluntary compliance with the Campaign Act, a total of 21 seminars were conducted both in Trenton and at other locations around the State focusing on the municipal, primary and general election filing requirements, as well as the requirements for filing as a PAC.

The Compliance Division staff continued to partner with investigators and attorneys at sister enforcement agencies. Two seminars were held in June for staff of the Division of Criminal Justice of the Attorney General’s Office as part of a program sponsored by the Attorney General’s Advocacy Institute. Staff also continued to provide informational support to the F.B.I.

and U.S. Attorney’s Office when called upon to help with federal investigations and criminal trials.

Telephone assistance to candidates and treasurers continued to be a valuable “one-on-one” method of assistance. In 2009, 10,642 telephone contacts occurred, an astounding number considering the overall workload of the Division.

### **LOBBYING**

The number of governmental affairs agents (“lobbyists”) registered in the State hovered around the 1,000 mark throughout 2009, more than likely a result of the economic recession. All the forms that lobbyists and their clients needed to comply with the law were available on the website in a fillable format. Reminder materials were routinely sent to every lobbyist and notices concerning non-filing were sent each quarter. 6,500 reports of lobbying activity were filed and processed in 2009. Three lobbying seminars were offered in 2009 to help lobbyists review the requirements of the law.

### **CONCLUSION**

Overall, the 18-member Compliance Division staff did an outstanding job of promoting compliance with the campaign, PAC, and lobbyist disclosure laws. Close to 31,000 reports overall were filed with the Commission during the 2009. By providing direct mail outreach, electronic filing, daily telephone assistance, seminars, individualized consultations, and a website with a wealth of materials, filing entities had all the tools necessary to prevent violations of the law.

Despite the decline in funding which continues each year, and staff shortages as a result of furloughs, the Compliance Division continues to find ways to enforce compliance with the campaign finance and lobbying laws so that violations are minimized. Good compliance with the laws by the regulated community creates the highest quality disclosure. As a result, the Commission has the enviable reputation of being one of the best state enforcement agencies in the country.



## LAW DIVISION

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### LEGAL SECTION

The Legal Section is responsible for formulating advisory opinions, drafting regulations, and enforcing the disclosure laws under the jurisdiction of the Commission. All complaints, final decisions, advisory opinions, and regulations are issued through the Legal Section. These matters are posted on the Commission's website, thereby providing the public with convenient access to important legal concerns. In this way, the Legal Section contributes to the central mission of the Commission, which is to provide complete and accurate campaign and lobbying information while discouraging violations of the "New Jersey Campaign Contributions and Expenditures Reporting Act" (Campaign Act).



From left: Theresa Lelinski, Gail Shanker, Carol L. Hoekje, Michelle R. Levy, and Amanda Haines.

### COMPLAINTS

In 2009, 30,842 reports were filed with the Election Law Enforcement Commission (ELEC). Campaign finance reports were filed by State and local candidates participating in primary, general, municipal

non-partisan, school board, and fire district elections; by municipal, county, and State political party committees, legislative leadership committees, continuing political committees or PACs; and by political committees and persons making independent expenditures in elections. A small number of professional campaign fundraisers also filed reports. Lobbyists and governmental affairs agents filed quarterly and annual reports pursuant to the "Legislative and Governmental Process Activities Disclosure Act." In addition to the number of reports mentioned above, 2,024 reports were filed pursuant to the pay-to-play disclosure law.

Those candidates, committees, lobbyists, and businesses that fail to file reports, file late reports, or file incomplete reports, are subject to civil complaints and monetary penalties as provided by law. In 2009, the Commission issued 102 complaints against candidates and other entities for violations of the reporting acts. In a substantial number of cases candidates and other entities filed reports, thereby providing the disclosure as required.

### FINAL DECISIONS

At the conclusion of each case in which it has issued a complaint, ELEC issues a final decision. The Commission issued 90 Final Decisions in 2009 for violations spanning elections and calendar years from 2002 to 2008. All complaints and final decisions are posted on the Commission's website and are available for public inspection at the Commission's offices. Many cases ultimately resulted in monetary fines, the total of which amounted to \$110,637.52 in 2009.

It is important to note, however, that while enforcement is critical to the Commission's mission, the



## LAW DIVISION continued

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Commission strives to encourage voluntary compliance. Moreover, prior to undertaking a complaint action, the Commission must be assured that there are sufficient grounds for charging that a violation has occurred. In the event that a complaint is issued, the respondent is accorded the right to a hearing before the administrative courts. Thus, while its enforcement of the disclosure laws is vigilant, the Commission makes sure that each respondent is given required due process.

### **REGULATIONS**

The Commission adopted regulations in 2009 prohibiting the use of campaign funds for legal fees for criminal defense and providing for termination of reporting with net liabilities by publicly-financed gubernatorial candidates. In December 2009 the Commission re-proposed its regulations under the periodic sunset review process; the sunset proposal and adoption process will be continued in 2010.

### **ADVISORY OPINIONS**

To provide guidance to the regulated community, the Campaign Act authorizes the Commission to issue opinions regarding legal requirements under the Commission's jurisdiction that may impact future campaign or lobbying activities. These advisory opinions are issued to individuals having standing and are posted on ELEC's website for public information purposes.

In 2009, the Commission issued Advisory Opinion No. 01-2009, concerning reporting obligations in connection with the proposed sale of merchandise as a means of promoting the campaign. The Commission advised that all expenditures from the sale of merchandise must be reported as operating disbursements of the campaign, and that all receipts from the transactions must be reported as contributions as that term is defined in the Campaign Act, subject to the contribution limits, the reporting of contributor information, and the requirements of the pay-to-play laws.

The New Jersey Supreme Court on March 3, 2010 upheld the Commission's Advisory Opinion No. 01-2008. In that Advisory Opinion, which also was upheld by the Appellate Division, the Commission had advised that the use of campaign funds for defense of a criminal indictment did not constitute an "ordinary and necessary" expense and therefore was not a permissible use. The Supreme Court heard oral argument on the case on November 9, 2009.

### **CONCLUSION**

Interpreting and enforcing the provisions of law are critical elements of effective administration of the campaign and lobbying financial disclosure entrusted to the Commission. With more and more money entering the process and laws growing more complex, each year becomes more challenging than the one before for the Legal Section. Again in 2009, the Legal Section was confronted with major challenges, including continued understaffing of the Section. The Section continues to meet its challenges in a professional and responsible manner and with anticipation of the ones to come.



## LAW DIVISION continued

### **REVIEW AND INVESTIGATION SECTION**

The work of the Review and Investigation Section is crucial to fulfilling ELEC's central mission—ensuring financial disclosure by campaign entities, lobbyists, and businesses holding public contracts. It is, in essence, the watchdog for the watchdog agency.

Candidates and others know not to ignore basic requirements to notify the public about their activities. ELEC has authority over civil matters. Cases that involve criminal matters are turned over to the Attorney General's Office.

### **REQUESTS FOR INVESTIGATION**

In 2009, the Commission received a total of 133 requests for investigation. Out of those requests, a total of 106 were presented to the Commission for its determination as to whether or not to open a review. Last year, the Commission opened 32 investigations.

The Commission did not have jurisdiction over nine requests while 18 were administratively resolved or held pending receipt of additional information.

Members of the public can request an investigation by submitting to the Commission a



Standing from left: Matthew Krinsley, Lovinsky Joseph, Renee Zach, Christopher Mistichelli, and Shreve Marshall.  
Sitting from left: Christopher Guear, Brett Mead, and Leonard Gicas.

While its authority is limited to civil complaints, ELEC and its Review and Investigation Section has been a diligent partner to the F.B.I., the U.S. Attorney's Office and the Attorney General's Office in efforts to combat corruption.

completed Request for Investigation Form. The form can be obtained by accessing the Commission's website at [www.elec.state.nj.us](http://www.elec.state.nj.us).

Requesters have the ability to download the Request for Investigation Form and prepare their request



## LAW DIVISION continued

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directly on the computer before printing and mailing it into the Commission. Requests for investigation that are made to ELEC, and over which the Commission has jurisdiction, are presented to the Commission within 90 days of receipt. At a meeting of the Commission, the members determine whether or not to open a review of the allegations

### **INVESTIGATIONS**

During 2009, the Commission closed 38 investigations. The investigative activity continues to involve the timely reporting of contribution and expenditure information, adherence to contribution limits, timely reporting of 48-hour notices, the requirement to maintain records of contributions and expenditures, and the requirement to provide "paid for by" information on advertising materials.

An important investigation concerned the non-filing of contributor and expenditure information by a municipal candidate on election-cycle campaign reports. As a result of this investigation, the candidate filed amended reports which included the information relevant to the receipt of contributions and the making of expenditures for the entire period.

The Report Review Subsection undertook and completed two report review projects. The first project involved review of campaign reports filed by candidates that participated in the Clean Elections Program in the 2007 general election. The second report review project examined reports filed by Continuing Political Committees (CPC) in calendar year 2008. The most common violations were: failure to file 48-hour notices, prohibited contributions from LLCs and LLPs, failure to include employer and occupation information on contributions greater than \$300, and missing address information for expenditures. The Report Review Subsection contacted candidates and treasurers regarding the deficiencies pertaining to their filings and requested that amended reports be filed with the Commission.

The Section issued 20 subpoenas in calendar year 2009, all for records of a campaign or organizational depository.

### **ADMINISTRATIVE HEARING AND OTHER LEGAL SUPPORT**

In addition to its aforementioned duties, the Review and Investigation Section assists the Legal staff in preparing for case hearings before the Office of Administrative Law. These hearings occur when respondents do not waive their right to such hearing. Moreover, the Section helps Legal staff in the review of amended reports filed in response to complaints.

The Section's investigators monitor and review the Commission's records of candidates and entities participating in electoral activity that have failed to file reports. As a result, Review and Investigation passed on recommendations to the Legal staff which resulted in the issuance of 98 complaints for non-filing of reports. These complaints included 69 from the 2008 primary election and 29 from the 2008 general election.

### **OTHER ACTIVITIES**

The Investigative staff continued to provide assistance to other law enforcement agencies such as the F.B.I., the Division of Criminal Justice, and the U.S. Attorney's Office.

Currently, the Section consists of one director, five investigators, one report examiner, and one legal secretary, which presents a challenge when enforcing all of the candidates and other entities from throughout the State that are required to file with the Commission.

### **CONCLUSION**

In 2009, the Review and Investigation Section staff continued to enforce its large volume of active cases while monitoring current violations that occurred throughout the year. It is staff's commitment to assure that all reporting entities provide the public with the mandatory disclosures required by law.



## LAW DIVISION continued

### SPECIAL PROGRAMS SECTION

In 2009, the Special Programs Section administered the Commission's ninth consecutive Gubernatorial Public Financing Program. The Gubernatorial Public Financing Program has two core components. First, public funds are supplied to qualified candidates in amounts awarded at \$2 for every \$1 raised. In this past election, two primary election candidates and two general election candidates received matching funds totaling \$14.2 million. As part of administering this

now part of ELEC's searchable database of contributors. And the expenses of the gubernatorial candidates soon will be viewable in spreadsheet format on the website.

After the election, the Commission regulates the financial activity of the victorious candidate's inaugural committee. In addition to ensuring that the committee complied with the \$500 contribution limit, all inaugural committee reports were made available on the Commission's website.



Standing from left: Christine Aquilante, Elias Amaya, Amy F. Davis, Lou Solimeo, Scott M. Fagerty, and Kap Sin.

Sitting from left: Julie Latsko, Laura Jurkiewicz, and Jennifer Kirby.

program, the Commission hosted several information sessions with candidates and their representatives outlining both the provisions of the program and the proper use of filing software. Throughout the elections, staff remained vigilant in providing quick turnaround for candidate submissions. In addition, the public was given electronic access to candidate reports via the Commission's website. More than \$36 million in private donations collected by the gubernatorial candidates are

A second major component of the Gubernatorial Public Financing Program is to raise awareness of the election and its candidates. As part of this effort, the Commission oversaw participation in the primary and general election gubernatorial debates as well as the first-ever general election debate between Lieutenant Gubernatorial candidates. In 1989, New Jersey became the first state to require candidates receiving publicly matched funds to participate in two publicly sponsored televised debates. With the advent of the election for the Office of Lieutenant Governor, the number of required debates increased, as running mates of

debating gubernatorial candidates must also participate in at least one debate. As in the past, the Commission selected sponsors that would expose the greatest number of New Jersey voters to the debates, ensuring that all New Jersey citizens would have access to the debates. The two 2009 primary election debates provided a forum for the two Republican candidates, while the Commission decided that three candidates would be eligible to participate in the two general election debates.



## LAW DIVISION continued

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Each Gubernatorial candidate's respective running mate was able to participate in the one general election Lieutenant Gubernatorial debate.

The program also exposes voters of New Jersey to its gubernatorial candidates by administering the Gubernatorial Ballot Statement Program. This program permits each gubernatorial candidate to submit a statement to be printed and mailed along with the sample ballot mailed weeks before the general election in each of the twenty-one counties. The Commission reimburses the county clerks for the additional expense created from having to include these statements on the sample ballots. As an added resource, the Commission published the submitted statements on its website.

### **PAY-TO-PLAY**

Approximately 1,812 business entities filed the Business Entity Annual Disclosure Statement (Form BE) regarding public contracts and contributions made to New Jersey candidates and committees. The reports filed every March are a major part of state efforts to deter corruption, the reports disclosed 22,605 public contracts totaling \$4,983,144,598.62. Business entities also reported 10,035 contributions worth \$12,118,618.36. As part of its commitment to transparency and ease-of-use, the Special Programs Section has revised the Form BE to include more options for filers to accurately describe contracts held and contributions made. Information regarding pay-to-play activity is provided by the Commission on its website and can be accessed through a variety of search mechanisms aimed at providing detailed information for the state's citizenry.



## OPERATIONS DIVISION

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### **INFORMATION TECHNOLOGY SECTION (IT)**

The electronic filing programs were high priority in the IT Section this past year as gubernatorial

governor and, for the first time in New Jersey, lieutenant governor.

The IT staff also provided invaluable technical support during ELEC's first-ever press conference in November 2009. The press conference was held at the Commission's offices and the IT technical staff spotlighted, participated, and demonstrated through its website the disclosure of the new searchable local contributor database. This initiative was made possible by the extraordinary efforts of the IT Section, particularly the Data Entry staff. As more legislative candidates filed campaign finance reports electronically, the Data Entry staff shifted priorities from keying data from legislative reports to the local reports, which still are submitted manually. More than \$34.4 million in contributions received by candidates and committees in the local elections are now searchable on-line through the Commission's website.

### **MAINTENANCE AND SUPPORT**

The extensive computer software and hardware that is supported behind the scenes requires constant maintenance and upgrades which are on-going. The programs must be continually upgraded to maintain industry support and standards. While there were several big IBM/FileNet maintenance upgrades last year, ELEC's support staff handled the majority of these upgrades with little vendor assistance, thereby saving many budget dollars. In addition to performing maintenance upgrades on the IBM/FileNet imaging system, all of the many customized programs that are used in conjunction with the imaging system were upgraded as well. The major programs that were upgraded as part of our strategic planning were in addition to the routine regular support and maintenance duties performed by the IT staff for the numerous servers, switches, routers, PC's, printers, and scanners.

Of course, the IT support staff was also available to provide assistance to the public to work out issues with the electronic filing programs, giving detailed



From left: Maryanne Garcia, Brian Robbins, Lou Solimeo, Anthony Giancarli, Carol Neiman, Ken Colandrea, Kim Vandegrift, Peter Palaitis, and Aydan Altan.

candidates sent their submissions and resubmission filings for public funding requests through the Internet for the first time in a gubernatorial election. The Gubernatorial Electronic Filing System (GEFS), which previously allowed candidates to submit documents on a computer disk, was updated prior to 2009 to be ready for the elections. The IT analysts and support staff did a superb job of monitoring and processing the filings. Also midway through the year, new gubernatorial forms that were filed electronically were created to reflect the new Office of the Lieutenant Governor. And it would be remiss not to include the fact that the Electronic Filing Help Desk staffs were always available and ready to offer assistance for the gubernatorial public financing, legislative, and local candidates filing electronically.

Again, the IT staff is always willing to try and is never able to let an opportunity pass them by to try something new. In 2009, they filmed a video and uploaded it to YouTube that enabled ELEC to present its first public service announcement reminding the public of the ELEC sanctioned public financing debates for



## OPERATIONS DIVISION continued

instructions on how to view a report, and helping the public how to search the local contributor database. Additionally, the IT staff was responsible for maintaining the pay-to-play database and providing help desk assistance to business entity filers.

### **DATA ENTRY STAFF**

The Data Entry staff has always been an integral part of ELEC's on-line contributor database. However, this past year the Data Entry staff was able to shift priorities as more legislative campaign reports were filed electronically, and started keying local municipal and county campaign finance contributions to create the local contributor database. This, of course, is in addition to keying and entering data from the legislative, State, and county political party contributions and verifying campaign finance filing statuses. Moreover, the Data Entry staff again worked closely with the Compliance Division staff to disclose the campaign finance and lobbying statistics. This included the information from approximately 500 annual lobbyist/governmental affairs agents' reports that was keyed and verified to present the summary reports that were made available to the public.

### **WORK IN PROGRESS AND FUTURE STRATEGIC PLANNING**

Upgrading to the IBM/FileNet P8 platform will be another major goal this year for ELEC's IT staff to accomplish. The IT staff had hoped to start this project during calendar year 2009. However, budgetary constraints prevented this from moving forward. Therefore this required maintenance upgrade will be the priority focus of 2010. Moreover, IBM/FileNET has issued a statement that IBM/FileNet EForms, currently used by ELEC for the short form electronic filing, are nearing the end of their life-cycle. Hence, there is even more urgency to upgrading to the P8 platform sooner, rather than later. This is a big part of the IT strategic plan. Also, as part of the IT strategic planning is the maintenance upgrade of the electronic filing programs and ELECTTrack to a .NET environment. The IT staff also hopes to begin

maintenance on the Gubernatorial Electronic Filing System (GEFS) during Fiscal Year 2010. This maintenance includes the rewrite of the program using .Net coding to better accommodate the universe of users. These projects and efforts will extend over a period of several years. Included as part of the ELECTTrack upgrade will be the electronic filing of the governmental affairs agents and represented entities quarterly and annual report filing. Planning for the future will also include the development of software to provide for the electronic filing of reports from state party, legislative leadership, and county party committees; personal financial disclosure forms for Gubernatorial and Legislative candidates; and professional campaign fundraisers.



Standing from left: Tamico Flack, Brenda Brickhouse, Susan Danley, Tamika McCoy, and Helen Kelly.  
Sitting from left: Darlene Kozlowski, Pam Kinsey, and Shirley Bryant.

### **CONCLUSION**

The Commission, through its IT Section, continues to maintain its excellent reputation as demonstrated this past year by widespread praise received for the disclosure of the new local contributor database. Moreover, the IT Section continues to strive to maintain industry standards in an ever-changing information technology landscape while being fiscally responsible in these difficult economic times.



## OPERATIONS DIVISION continued

### **FINANCE AND ADMINISTRATION SECTION**

During 2009, the Finance and Administration Section continued to play an integral role in the successful operations of the Commission, by providing important management and employee services. Among the major areas handled and overseen by the Section are budget planning and analysis, purchasing/procurement, personnel and payroll administration, mail processing, and facilities management. Additionally, the Finance and Administration Section oversees copier, fax and all other machinery maintenance for the entire Commission. Finally, reception services for the Commission are housed within the Finance and Administration Section. A great source of pride for all associated with the Commission is the fact that all telephone inquiries are still courteously and efficiently handled personally by knowledgeable staff members, and are not simply forwarded to an answering machine or telephone menu.

### **BUDGET ADMINISTRATION**

One of the major areas of responsibility for the Finance and Administration Section is the preparation, analysis, and management of the Commission's budget.

This task has been affected by additional difficulties in recent years, and 2009 was no exception. As a result of the fiscal crisis facing the State, the Commission had to deal with severe budgetary constraints throughout the year. Through Department of the Treasury reductions, the Commission's Fiscal Year 2010 appropriation of \$4.355 million was \$292,000 lower than the Fiscal Year 2009 appropriation of \$4.647 million. Additionally, during Fiscal Year 2010, the Commission had to comply with



From left: Elaine Salit, Debra Kostival, Anita Vaingankar, Igor Milewski, Steven Dodson, Meggan Mathies, Aracelis Ocasio, and Irene Comiso.

additional Treasury procurement, management efficiency, and attrition savings initiatives totaling \$86,000. This, in turn, put additional pressure on the Finance and Administration Section staff to ensure the accurate budgeting and management of expenditures.

Certainly these types of fiscal constraints could potentially have had a negative impact on Commission operations, especially considering the Commission's commitment to fully implementing all of the reform and ethics laws passed during the last few years. During 2009, however, Finance and Administration Section staff



**OPERATIONS DIVISION continued**

worked tirelessly with other Commission staffs to ensure the efficient management of the budget and the purchasing of necessary supplies and services, in order to keep the Commission functioning at an optimal level.

**PERSONNEL ADMINISTRATION**

Another major area of responsibility for the Finance and Administration Section is the coordination and management of personnel activities for the entire Commission. As with the administration of the budget, the personnel area has also faced a severe impact due to the State’s fiscal crisis. A statewide hiring freeze continued during 2009, with the hiring of essential staff allowed only upon approval of an exemption request. Finance and Administration Section staff successfully worked with the Civil Service Commission during 2009 to fill the critical positions of Deputy Executive Director and Assistant Legal Director.

**OTHER ACTIVITIES**

In addition to handling fiscal and personnel issues for the Commission, the Finance and Administration Section is also responsible for general administrative functions, such as reception, mail processing, overseeing machinery and equipment maintenance, and acting as the Commission’s liaison with the building management company. During 2009 the Section continued to work, often times impacted by the strict budgetary constraints, to maintain an atmosphere where all other Sections could focus solely on their respective roles within the Commission, without concern for these day-to-day administrative issues.

**CONCLUSION**

By providing important management and employee services in a timely and professional manner, the Finance and Administration Section has been an integral part of the Commission. During 2009, the Section operated within the parameters established by the

Governor’s Office and the Department of the Treasury and continued to handle all responsibilities effectively.

In Fiscal Year 2011, the Commission anticipates an appropriation of \$4,191,000 based on the Governor’s Budget Message.

**COMPARISON OF FISCAL YEARS 2009 AND 2010 ORIGINAL DSS APPROPRIATIONS**

	<u>FY-2009</u> <u>Appropriation</u>	<u>FY-2010</u> <u>Appropriation</u>
Personnel	\$4,138,000	\$3,867,000
Printing & Supplies	60,000	60,000
Travel/Training	7,000	7,000
Telephone	58,000	49,000
Postage	56,000	57,000
Data Processing	210,000	197,000
Professional Services	50,000	50,000
Other Services	40,000	40,000
OIT	11,000	11,000
Maintenance for Equipment	2,000	2,000
Furniture/Equipment	0	0
Commissioner Per Diem	<u>15,000</u>	<u>15,000</u>
<b>Total Operational</b>	<b>\$4,647,000</b>	<b>\$4,355,000</b>

**2009 EVALUATION DATA**

Disclosure Reports (Total).....	30,842
<i>Campaign &amp; Quarterly</i> .....	24,330
<i>Lobbyist</i> .....	6,512
Investigations.....	38
Complaints.....	102
Public Assistance Requests.....	13,725
Photocopies.....	8,825
Fine Collection .....	\$110,638
Lobbying Annual Fees.....	\$337,450
Campaign Fundraiser Annual Fees.....	\$17,000



# ELEC's HOME PAGE

**Log on to: view Reports; search for Contributors; obtain Treasurer Training education; secure Publications and Forms; access Complaints, Final Decisions, and Advisory Opinions; and, retrieve Campaign Financing and Lobbying Data from the past decade.**

ELEC's help desk is always ready to lend assistance. Call during business hours, 9:00 am – 5:00 pm, Monday through Friday at: 609-292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

Note: An after hours recording is posted whenever the office is closed.

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STATE OF NEW JERSEY  
**NEW JERSEY CAMPAIGN FINANCING AND LOBBYING DISCLOSURE**  
**ELECTION LAW ENFORCEMENT COMMISSION**



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### Commission Meeting

The next Commission Meeting is Tuesday, April 20, at 10:00 am.

### News Releases

For the first time, people can now perform instant lookups of donations to local school board elections through the New Jersey Election Law Enforcement Commission website, Executive Director Jeff Brindle announced today. [Read further >>](#)

On Tuesday, April 6, 2010, the Business Entity Annual Statements, due to be filed by March 30, 2010, will be available on the New Jersey Election Law Enforcement Commission's (ELEC) website. [Read further >>](#)

### Public Information

View reports and search the campaign finance database. View Summary Expenditure data from governmental affairs agents' quarterly and annual reports and much more.

### For ELEC Filers

Browse for information about filing requirements, access forms, manuals, electronic filing options, contribution limits, training schedules and more.

### Pay-to-Play

**NEW EXECUTIVE ORDER:** On January 20, 2010, Governor Christie signed Executive Order No. 7 modifying prior executive orders implementing "pay-to-play" restrictions. [Read further >>](#)

Access information for pay-to-play.

### Legal Resources

Search and view complaints and final decisions, advisory opinions and regulations. Use the fill-in advisory opinion and investigation request forms.

### About ELEC

Find information about ELEC, members and key staff, meeting and minutes, ELEC publications, press releases, agency news, related sites, and how to contact us. Browse through the "White Paper" series.

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