

2021 ANNUAL REPORT

NEW JERSEY ELECTION LAW ENFORCEMENT
COMMISSION





COMMISSIONERS & SENIOR STAFF



Clockwise: Chairman Eric Jaso, Commissioner Stephen Holden, Executive Director Jeff Brindle, Deputy Director Joseph Donohue, Director of Review and Investigation Shreve Marshall, Compliance Director Stephanie Olivo, Deputy Legal Director Amanda Haines, Legal Director Demery Roberts, Legal Counsel Edwin Matthews, and Commissioner Marguerite Simon.



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MISSION STATEMENT

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. Finally, ELEC is responsible for enforcing various aspects of the Pay-to-Play law, particularly as it pertains to disclosure.

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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THE COMMISSION

ERIC HECTOR JASO, CHAIRMAN

The state Senate on March 13, 2017 unanimously confirmed the nomination of Eric H. Jaso of Morristown to the New Jersey Election Law Enforcement Commission (ELEC).

Jaso, a Republican attorney, was nominated on September 8, 2016 by Governor Chris Christie.



Commissioner Marguerite Simon, Chairman Eric Jaso, and Commissioner Stephen Holden

Jaso is a partner at the law firm of Spiro Harrison in Short Hills. His practice focuses on complex litigation matters, including civil and criminal cases, primarily in the Federal courts.

From 2003 to 2008, Jaso served as an Assistant U.S. Attorney in the U.S. Attorney's Office in New Jersey. Prior to that, he served as counselor to the Assistant Attorney General of the Criminal Division at the U.S. Department of Justice in Washington, D.C.

Previous government appointments included serving as Deputy General Counsel at the U.S. Department of Education, working as Deputy Special Counsel to the New Jersey Senate Judiciary Committee investigating racial profiling, and serving as Associate Independent Counsel during the "Whitewater" investigation of former President Bill Clinton.

Jaso also serves as a public member of the New Jersey Urban Enterprise Zone Authority.

In 2011, he was chosen by Republicans to serve on the commission that redrew the boundaries of New Jersey's U.S. House Districts.

Jaso has taught appellate advocacy as an Adjunct Professor at Seton Hall Law School.

He earned his law degree at the University of Chicago. He received his bachelor's degree in Government with honors from Harvard.

His professional memberships include: Hispanic Bar Association of New Jersey; National Hispanic Bar Association; Federalist Society; and Association of the Federal Bar of the District of New Jersey.

Jaso lives with his wife and son in Morristown, New Jersey.



THE COMMISSION continued

STEPHEN M. HOLDEN, COMMISSIONER

The state Senate on March 13, 2017 unanimously confirmed the nomination of Stephen Michael Holden of Merchantville to the New Jersey Election Law Enforcement Commission (ELEC).

Holden, a Democratic attorney, was nominated December 12, 2016 by Governor Chris Christie.

Holden is Deputy General Counsel of the Delaware River Port Authority. He retired as a Superior Court judge upon reaching mandatory retirement age of 70 in 2013 though he later performed temporary service as a recall judge.

Between 1987 and 2003, during a period when he was a solo practitioner, he served as Counsel to the state Senate as well as Senate Parliamentarian.

During an earlier career as an educator, he was a teacher in the Philadelphia school system, an assistant professor at both Glassboro State College (now Rowan University), and Rutgers University, as well as an assistant dean and assistant professor at Bryn Mawr College.

Holden earned his law degree at Rutgers University Night School of Law. He obtained Ph.D. and M.S.S. degrees at Bryn Mawr College, and a B.S. degree with honors at Temple University.

He sits on the Audit, Ethics and Compliance committee of the Board of Directors of Cooper Health System. He also sits on the board of Bryn Mawr College Graduate School of Social Work and Social Research.

Holden is married with two daughters- one a public-school arts teacher, the other a nurse.

MARGUERITE T. SIMON, COMMISSIONER

Marguerite T. Simon became the 32nd person appointed to the New Jersey Election Law Enforcement Commission since its creation in 1973 when the State Senate on June 29, 2017 unanimously approved her nomination.

She replaces Lawrence Weiss, who died while serving on the commission in 2011. Simon is a Democratic attorney who was nominated February 27, 2017 by Governor Chris Christie.

Simon serves as counsel to the firm of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins PC of Springfield and Hackensack. Her practice is primarily concentrated in alternate dispute resolution. She serves as a mediator and arbitrator in private party and court appointed matters.

She also served as a state Superior Court Judge in Hackensack from 1984 until her retirement in 2004 when she was Presiding Judge of General Equity.

She has taught classes and seminars at the New Jersey Judicial College, Institute for Continuing Legal Education, and Bergen Community College.

Among her awards are Super Lawyer, New Jersey, Alternative Dispute Resolution, 2010 to present; and Professional Lawyer of the Year, New Jersey Bar State Bar Association and Bergen County Bar Association, both 2006.

Simon obtained her law degree from the University of Virginia School of Law in 1961. She received her undergraduate degree from Barnard College in 1958.

Her professional affiliations include: Bergen County Bar Association, New Jersey State Bar Association and Women Lawyers in Bergen County.

She is married to Donald Howard. Together they have four children and ten grandchildren. She lives in Edgewater and Cape May.



THE COMMISSION continued

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 a rare and broad-ranging perspective to the position of Executive Director.

Executive Director Brindle has authored 20 in-depth, analytical white paper reports on campaign financing and lobbying, many of which had a major influence on legislation. He also has published more than 220 articles in newspapers, magazines, and periodicals, including "Campaigns and Elections," "The New York Times," "Politickernj.com," "InsiderNJ.com," "NewJersey Newsroom.com," Public Integrity, "The Star-Ledger," "League of Municipalities Magazine," and "Spotlight."

As Executive Director, Brindle has worked to reduce the backlog of outstanding enforcement cases and speed up enforcement efforts.

He started the ELEC-Tronic newsletter in 2009 to help expand the agency's public profile, and has been a major contributor to the 154 issues that have appeared through April 2022.

Brindle has taken several initiatives to enhance ELEC's basic mission of disclosure. He instituted a database of local political contributions, making New Jersey one of the few states in the nation that provides access to such information. He greatly expanded the number of analytical press releases published on a regular basis by the agency. He also saw to it that more than 400 press releases prepared between 1983 and 2005 were made accessible on the ELEC website.

Annual reports, minutes and advisory opinions dating back to the agency's creation in 1973 also have been made available to the public through the agency's website, which, in 2010, was

recognized as "Best Official New Jersey Website" by the Documents Association of New Jersey.

As Deputy Director, Brindle authored the report on the Clean Elections Pilot Program, prepared several Cost Analysis Reports, and wrote a major report on the Commission's technological needs.

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

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.



THE COMMISSION continued

EDWIN R. MATTHEWS, LEGAL COUNSEL

Edwin R. Matthews was selected to be the Commission's Legal Counsel and began serving in that capacity in November, 2012.

Mr. Matthews is a partner with the Summit, New Jersey law firm of Bourne, Noll & Kenyon. He specializes in the areas of civil litigation, municipal law, appellate practice, personal injury, products liability, and tax appeals.

Upon graduation from Law School, Mr. Matthews served as a Law Clerk for Associate Justice Mark A. Sullivan of the New Jersey State Supreme Court and as an Assistant United States Attorney for the District of New Jersey. He was twice recognized by the United States Attorney General for Sustained Superior Performance. Mr. Matthews has in the past served the Township of South Orange Village, as a member of its governing body, as its Municipal Court Judge, and as its Village Counsel.

Mr. Matthews, a Certified Civil Trial Attorney, is admitted in the State of New Jersey; United States District Courts for the District of New Jersey, the Southern District of New York, and the Eastern District of New York; United States Courts of Appeals for the Third Circuit and Second Circuit; the United States Supreme Court; and the State of New York. He has been designated Mediator for the United States District Court for the District of New Jersey as well as the New Jersey State Court Mediation Program. He has served as an Arbitrator for the Federal Court in New Jersey as well as a number of counties in the state court system. He served as a Member of the Committee on Character, appointed by the New Jersey Supreme Court (1993-2009, 2020 to present) and the Fee Arbitration Committee (2019 to present). His membership in a number of bar associations includes serving as a member of the Board of Trustees of the Trial Attorneys of New Jersey since 1986 and as its President from 2004 to 2005.

Mr. Matthews has lectured frequently at seminars on trial tactics, product liability, the Rules of Procedure and the Rules of Evidence. He is a Master of the Worrall F. Mountain Inn of Court and has been an adjunct faculty member of the School of Law and a Master of the Inn of Court at Seton Hall University School of Law.

Mr. Matthews served in the United States Marine Corps where he attained the rank of Captain. He was awarded the Bronze Star Medal with Combat V, Navy Commendation Medal with Combat V, two Purple Heart Medals, Combat Action Ribbon, and the New Jersey Distinguished Service Medal for service in Vietnam. Mr. Matthews has been recognized as a New Jersey Super Lawyer in the editions for 2009 through 2022. The New Jersey Commission on Professionalism presented him with its Professionalism Award in 2010.

Mr. Matthews received an A.B. degree from the College of the Holy Cross and J.D. degree from Seton Hall University School of Law.

BIOGRAPHIES OF EXECUTIVE STAFF MEMBERS AND DIRECTORS



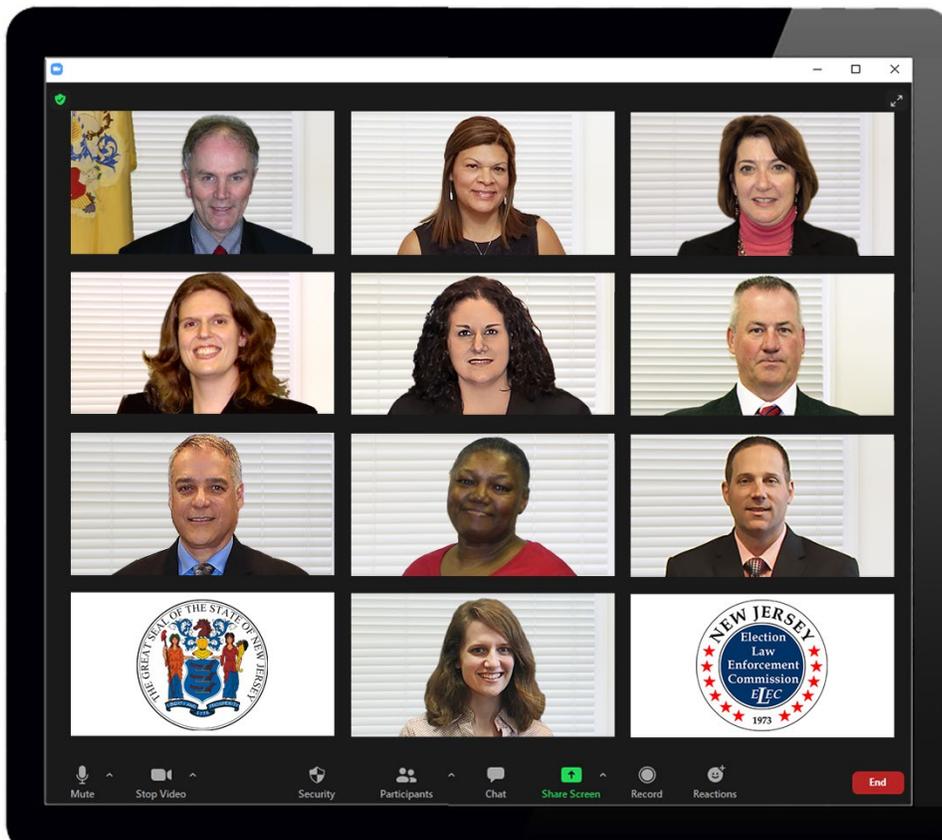
Joseph W. Donohue, Deputy Director- Prior to joining ELEC in 2009, Joe served one year as Assistant State Treasurer. Before he entered state government, he was a journalist for 34 years with The Press of Atlantic City, Los Angeles Daily News and the Star-Ledger of Newark. For nearly 24 years, he was a member of the Statehouse press corps. He received five national and eight state awards as a reporter. A native of Collingswood, he graduated as part of the inaugural four-year class of Stockton State College in 1975. He holds a bachelor's degree in environmental science.

Elbia L. Zeppetelli, Executive Secretarial Assistant- Elbia serves as the office manager for ELEC's executive offices. Among her duties are preparing and archiving Commission agenda materials,

maintaining the Commission's Facebook site; and providing a creative flare as she helps proof and assemble annual reports, press releases, white papers and other key ELEC documents. She joined ELEC in 1994 after working nearly a decade in the private sector. She obtained her legal secretary/paralegal certificate from Omega Institute in 1993; her secretarial science certificate from Taylor Business Institute in 1982; and studied business administration at Herbert H. Lehman College in 1979 and 1980. She is bilingual in Spanish and English.

Demery J. Roberts, Legal Director- Demery joined ELEC in 2014 after investigating fraud, waste and abuse of state funds for the Office of State Comptroller and its predecessor, the now-defunct

Office of the Inspector General. Before returning to state government in 2007- she briefly worked for the state Judiciary in the 1990s- Demery worked for three private law firms. In 1993, she received her law degree from Rutgers School of Law in Camden. She had earlier earned a bachelor's degree in political science at the University of Delaware.



From top: Joseph Donohue, Elbia Zeppetelli, Demery Roberts, Amanda Haines, Stephanie Olivo, Shreve Marshall, Anthony Giancarli, Brenda Brickhouse, Chris Mistichelli, and Barbara Rann.



BIOGRAPHIES OF EXECUTIVE STAFF MEMBERS AND DIRECTORS continued

Amanda S. Haines, Deputy Legal Director- Amanda started her career with ELEC in 2005 after she received her law degree from Temple University Beasley School of Law. She worked at a private law firm for two years before obtaining her law degree. Haines earned her undergraduate degree in sociology from Princeton University. She grew up in Hammonton and is an avid sports enthusiast.

Stephanie A. Olivo, Compliance Director- Stephanie took over ELEC's compliance section in 2015. Olivo joined ELEC after working as senior counsel for four years at the New Jersey Casino Control Commission. Some of her other jobs included working in private practice, serving as assistant solicitor in Atlantic City, serving as municipal public defender in Millville and serving as municipal prosecutor in Hammonton, her hometown. As an adjunct faculty member, she also taught family law for three years at her alma mater, Richard Stockton State College in Pomona. She earned her law degree at Rutgers University School of Law in Camden, graduating in 2002.

Shreve E. Marshall, Jr., Review and Investigation Director- Shreve has overseen investigations at ELEC since his appointment as acting director in 2010. Prior to becoming director, he worked as an investigator since joining ELEC in 1988. Shreve received his bachelor's degree in commerce from Rider University in 1987.

Anthony D. Giancarli, Director of Information Technology- Anthony has managed ELEC's computer network since 2015, most recently supervising a major overhaul of the agency's website and internal computer system. He first joined ELEC as an assistant systems administrator in 1998 after working several years in the construction industry. He graduated from Spring Garden College in 1982 with a bachelor's degree in civil engineering.

Brenda A. Brickhouse, Data Entry Supervisor- Brenda is the second longest serving member of ELEC's staff, having joined the agency in 1983 after previously working as a data entry technician at the Departments of Environmental Protection and Treasury. Brenda spent two years at Mercer County Community College primarily studying computer science courses.

Christopher Mistichelli, Director of Finance and Administration- Chris has served in his current post since 2013. He joined ELEC in 2005 as an investigator. He previously worked for the NJ Office of the Public Defender in Atlantic, Camden and Monmouth Counties, and as an analyst with the Office of Management and Budget in the NJ Department of Treasury. He graduated in 2001 from Rutgers University New Brunswick with a bachelor's degrees in administration of justice and sociology.

Barbara A. Rann, Personnel Assistant 1- Barbara has worked in Human Resources for ELEC since 2018. Prior to her service at the agency, she was employed by the Departments of Environmental Protection and Labor. She holds dual bachelor's degrees in fine art and art history from Rutgers University New Brunswick after graduating in 2009.



MESSAGE FROM THE CHAIRMAN

To say the least, it has been a challenging two-year period for the New Jersey Election Law Enforcement Commission. Of course, the same could be said of state government in general as we collectively navigated through uncharted waters together.



Eric H. Jaso, Chairman

The Covid crisis not only changed the way state government went about its business in the short run but may signal permanent changes in governmental operations as well.

For our part, ELEC implemented short term changes that allowed staff to continue maintaining services while at the same time largely working remotely.

In terms of the long-term prognosis for possible alterations in the way the Commission conducts the public business, a long-term plan was produced to accommodate whatever changes the State may make in terms of permanent teleworking.

While it is hoped that the Covid crisis can be put behind us and that public employees will again return to the office, it seemed prudent to produce a long-term plan for teleworking in the event permanent changes are necessitated.

In the meantime, however, staff fully returned to the office as of November 29, 2021 after successfully performing its public service responsibilities in large part remotely for the previous two years.

While it had been mentioned in the gubernatorial campaign that no one answers the phone at State government offices, that certainly

was not the case at the Commission. Not only were calls from filers, the public, and the press answered efficiently but real-live receptionists were always available to receive the initial calls from the public and relay them to the appropriate staff person.

Moreover, during 2021, candidates, committees, lobbyists, and public contractors filed reports electronically while staff provided the public with timely, online access to those reports.

The fact that 2021 was a gubernatorial and legislative election year meant that the Commission would need to respond to issues that involved these high-level elections.

As has historically been the case, the Gubernatorial Public Financing Program, with its challenge of protecting tax payers' dollars but at the same time delivering public funds expeditiously to qualified candidates, was run effectively and professionally.

The Commission itself was faced with issues involving both the qualification status of a primary candidate and the debate status of a different primary candidate. In both instances the commissioners acted appropriately and in an efficient manner.

In addition to the administration of the Gubernatorial Public Financing Program, the Compliance section, under which public financing falls, continued to impressively process reports from filers, but also to respond to inquiries from the public. Moreover, training sessions were conducted virtually involving campaign finance, lobbying, and pay-to-play.

Legal and investigative functions continued as well. Further, the Commission held mostly virtual Commission meetings, allowing the public to participate while not attending the meeting in person.



MESSAGE FROM THE CHAIRMAN continued

In addition to presenting the Commission with recommendations for final decisions which emanated from complaints issued by the Legal section, Legal also prepared and presented advisory opinion recommendations that responded to important inquiries.

Certainly, the Commission was true to that goal.

In the future, the Commission, having learned from the experience of functioning remotely, will seek to utilize technology where most effective but at the same time remain aware of the fact that overall government should not be undertaken at a distance but rather in the best way that provides services to the public.

For its part, the Commission will continue its efforts to make government work for the people.

Thus, on behalf of the members of the Election Law Enforcement Commission, I proudly submit this report to the Legislature.

As a further service to the public, and continuing an historic pattern, the Commission produced analytical press releases, columns, and white papers that traced trends in campaign financing, lobbying, and pay-to-play.

Moreover, in a continuing effort to provide the public with important information pertaining to its historic mission of disclosure, the Commission initiated its "History of the Commission" project under which individuals of significance to the State and the Commission are interviewed, with interviews archived on the Commission's website.

During this unprecedented time of the pandemic, the Commission adapted readily to the nature that work, while at the same time remembering that a proper functioning government agency will always require personal interactions to be effective.

Volume II - Interview with former ELEC Executive Director Lewis Thurston



Volume III - Interview with former State Assembly Speaker Joe Roberts



EXECUTIVE DIRECTOR'S REMARKS

One of the complaints about State government during the pandemic as well as with private business is that the public can never get a real person on the phone; and that voice mail has become the norm.



Jeffrey M. Brindle, Executive Director

That is absolutely not the case with the Election Law Enforcement Commission (ELEC). Even throughout the period of Covid lockdowns and State offices functioning remotely, ELEC continued its

policy of having real-live receptionists answering the phones.

By maintaining this approach, along with receptionists Samantha Schutzbank and Cheryl Lippincott (as well as sometimes substitutes Tamika McCoy and Aracelis Brown) quickly referring calls to the appropriate staff member, the Commission has been able to assure the public that their concerns would be addressed.

During the pandemic, instead of resting on its laurels, the Commission continued to implement new initiatives. For example, during 2021 the Commission introduced the “History of the Commission Project.”

The purpose of the project is not only to chronicle the history of the Commission, its role in providing disclosure of campaign financing, lobbying, and pay-to-play financial activity (as well in administering the Gubernatorial Public Financing

Program) but to highlight the contributions of individuals who have contributed to this legacy.

To this end, interviews have been archived on the Commission’s website and can be viewed by the public. During 2021, I was privileged to interview the Commission’s current Chairman Eric Jaso, 1970s Executive Director Lewis Thurston, former Assembly Speaker Joe Roberts, former Governor Tom Kean, and former Senate President John Lynch, in that order.

While operating primarily remotely during 2021, the Commission published a steady stream of analytical press releases, newsletters, columns, and white paper reports. Regarding these publications, Deputy Director Joseph Donohue, Executive Assistant Elbia Zeppetelli, and chief researcher Steven Kimmelman played important roles.

Volume IV - Interview with former New Jersey Governor Thomas H. Kean



TOP

During 2021 Legal Director Demery Roberts and Deputy Legal Director Amanda Haines, both of whom were regularly in the office and worked many evenings and weekends, produced complaints and final decisions, proposed regulations, and prepared advisory opinions. In addition, their efforts have helped to streamline the process for adjudicating enforcement actions.



EXECUTIVE DIRECTOR'S REMARKS continued

While the investigative staff mainly worked remotely, Review and Investigations Director Shreve Marshall continued to hold the reigns throughout the pandemic period.

Under the leadership of Stephanie Olivo, Compliance Director, an extremely difficult gubernatorial election period was managed very successfully. Working nights and weekends, she not only guided the various gubernatorial campaigns in terms of their fund submissions but made sure public funds were dispersed to the qualified candidates expeditiously; and this in addition to her normal duties of overseeing the Compliance area.

Enough cannot be said of the efforts of Anthony Giancarli, Information and Technology Director, and his computer staff, both IT and Data Entry.

Even during this telework period, new innovations in technology were brought about under his management while Data Entry, headed by Brenda Brickhouse, continued apace, allowing ELEC to provide important information to the public.

In addition, kudos to Anthony Giancarli, Ken Colandrea, and Maryanne Garcia for their assistance with the History of the Commission Project.

Finally, under the Director of Finance and Administration, Director Chris Mistichelli, the ship of ELEC continued to sail smoothly through pandemic waters as the Director even managed to implement a process allowing lobbyists to pay their annual dues via credit card rather than only by check.

Moreover, Personnel Officer Barbara Rann, working in Finance and Administration, kept all staff apprised of Covid updates, making sure that all guidelines were followed.

While 2021 was again a difficult year from the standpoint of management, the Commission and staff did not let grass grow under its feet. As mentioned by Chairman Jaso, staff continued to look to the future by preparing a teleworking report, whose recommendations can be implemented if the State ever moves toward a permanent remote work plan as adopted by many enterprises in the private sector.



Though a tough year, it is hoped that ELEC will be fully staffed with employees back in the office in 2022, with efforts continuing to be made to bring the best in public service to the people.

EDUCATIONAL OUTREACH

The New Jersey Election Law Enforcement Commission (ELEC) is more than just a warehouse for tens of thousands of reports filed each year by candidates, PACs, lobbyists, public contractors, and others.

Among its mandates is to ensure those filers know their responsibilities under state disclosure laws.

While the COVID-19 pandemic in 2021 continued to prevent in-person training seminars at the Commission's office, the agency's compliance staff held 15 online seminars for candidates and treasurers.

Additional guidance was provided through monthly newsletters published by ELEC. Each contained a column by Chairman Eric Jaso that clearly and concisely discussed how ELEC rules affected the regulated community.

ELEC also held its regular monthly meetings, which offer the public a chance to raise issues directly before the Commission. The Commission also selected sponsors for televised debates required during the gubernatorial primary and general elections. ELEC commissioners and staff attended all four debates.

Along with its responsibility to ensure that filers understand and follow the law, the commission traditionally has felt obliged to tell the Legislature what works and what doesn't in policy areas it oversees.

Even the Commission's first annual report to the Legislature issued May 1, 1974 contains 26 recommended amendments to the original law.

ELEC continues to have a responsibility to point out areas where the law may need to

change, sometimes due to looming federal court rulings. Fourteen columns written by Executive Director Jeff Brindle in 2021 helped fill this role along with keeping the public informed of matters such as how ELEC is functioning during the pandemic.

Volume V – Interview with former New Jersey State Senate President John Lynch



Brindle also held three meetings- one with a member of the Governor's office and two with legislators or staff members- and gave a September presentation to non-partisan Office of Legislative Services staff about ELEC's legislative priorities. Brindle also provided an overview of ELEC and talked about the impact of pay-to-play laws as an online participant in the Washington, DC-based Practitioner's Law Institute conference in October.

ELEC endeavors to keep the public, media and policy-makers informed of trends related to campaign finance, lobbying and pay-to-play issues.

With a gubernatorial campaign and all 120 legislative seats in play, along with scores of local elections, 2021 was a busy year for the agency. The pandemic and other issues also ignited a record level of lobbying. Deputy Executive Director Joseph Donohue prepared 31 analytical press releases that tracked these trends.



EDUCATIONAL OUTREACH continued

Among them:

- A January 2021 analysis found that, due to “pay-to-play” restrictions that limit contributions from public contractors, the so-called “Big Six” committees- the two state parties and four legislative leadership committees- received 94 percent less money during the last decade than the one before it- \$1.4 million versus \$23 million.
- A March 2021 analysis informed readers that the COVID-19 crisis, along with issues such as legalized marijuana and a proposed restructuring of the state’s largest health insurer, spawned scores of new state laws and regulations. This drove lobbying to record levels in 2020, most recently determined to be nearly \$107 million.

Republican Governors Association right before the November 2 election.

- Now that candidates and committees must electronically file their reports, ELEC can more quickly amass information about contributions and expenditures. It used this new advantage to quickly determine that county party committees received nearly \$5 million from out-of-state sources during the high-stakes gubernatorial election year in 2021.

In December, ELEC also published **White Paper No. 29- Legislative Election 2019- Shake-up in the First**. Also authored by Donohue, it observed that the Republican comeback in the first legislative district during that year foreshadowed even bigger legislative gains for the party in 2021.

ELEC Welcomes Debate Over Pending Campaign Finance Reform Bill

By Jeffrey Brindle | February 10, 2021, 9:04 am | in [Caucus Room](#)



Senate President Nicholas Scutari

Along with analytical press releases and reports, ELEC also published 72 media advisories about filing deadlines, updates on public funds issued to gubernatorial candidates, and monthly meeting agendas.

ELEC’s outreach efforts arise from its underlying commitment to transparency and accountability. It is one reason why ELEC has earned a reputation for being one of the most service-oriented agencies in state government.

- With election-related independent spending by special interest groups often rivaling and even exceeding money spent by candidates and parties, ELEC has tried to closely track such spending. It did three special press releases during October 2021 that mainly focused on those groups. One, for instance, found major out-of-state spending by the Democratic and



LEGISLATIVE REVIEW & RECOMMENDATIONS

AS INDEPENDENT SPENDING IN NJ ELECTIONS SPIKED TO A NEW HIGH IN 2021, THE NEED REMAINS FOR BETTER DISCLOSURE LAWS

When the late Governor Brendan Byrne won reelection in 1977, independent spending by special interests in the gubernatorial race was almost microscopic - \$50,095 (in current dollars), or 0.01 percent of total spending (\$39.8 million in today's dollars).



Joseph W. Donohue, Deputy Director

Contrast that with the \$41.7 million spent independently in 2021, when Governor Phil Murphy became the first Democrat since Byrne to secure a second term. Independent spending comprised 46 percent of the \$90.6 million sunk into last year's gubernatorial contest.

It was the most independent spending ever in a non-federal New Jersey election.

There was independent spending even when campaign finance laws first were enacted in the early 1970s.

But back then, most special interest groups- unions, businesses, ideological groups and others with vested interests- just sent checks to candidates, parties and traditional political action committees instead of waging separate "outside" campaigns.

Federal legislation and court cases between 2002 and 2010 caused a major shift in strategy. Many special interest groups now are far more inclined to finance their own campaigns apart from the traditional groups. As a result, such spending has exploded nationally and in New Jersey during the last 15 years.

The heavy spending is likely to grow even more in the future. That is why it is more important than ever to update disclosure laws, which are woefully outdated.

In New Jersey, candidates, parties and traditional political action committees all must file regular reports with ELEC listing their contributions and expenses. Reporting is most frequent in the month before elections.

This gives voters a chance to see who is funding their candidates or parties, and whether their contributions might influence decisions made by candidates who win public office. It discourages corruption while enabling groups like ELEC to spot violations in campaign finance laws.

It also helps ELEC track trends that help the Commission, its staff and policy-makers pinpoint when legislative changes might be necessary.

Independent spenders have a major advantage under current state law because they are not required to disclose their campaign finance activity though many, laudably, do voluntarily share their information with the public.

The current law governing ELEC requires independent spenders to disclose only expenditures- not contributions- and then only if they directly urge voters to elect or defeat candidates or public questions.

It requires no disclosure at all if a group- even right before an election- runs ads clearly aimed at smearing candidates by linking them to unpopular issues. All they need do is avoid explicit phrases like "vote against" or "defeat." Disclosure for these types of ads is required by the federal government and about 23 states.

For more than a decade, ELEC has put forth and periodically updated a set of bipartisan recommendations to strengthen disclosure laws for independent spenders while also bolstering parties. ELEC has further suggested streamlining anti "pay-to-play" laws into a single state law and ending certain loopholes.



LEGISLATIVE REVIEW & RECOMMENDATIONS continued

In 2019, legislation expanding election-related disclosure laws won overwhelming bipartisan support from both houses of the legislature and was signed into law- though reluctantly- by Governor Phil Murphy. The governor's legal staff was concerned about the constitutionality of a provision that also required more disclosure by groups engaged in grassroots lobbying for or against legislation. A federal judge agreed after several non-profit groups filed for an injunction and permanently blocked the law's enactment in March 2020.

Since the federal ruling, revised versions of the pro-disclosure bill, along with other bills that would accomplish other ELEC recommendations like stronger parties and simpler pay-to-play laws, have been introduced in the Legislature. New ones are being readied for introduction in the current term.

Legislators from both parties have shown interest in reform bills, and ELEC staff stands ready to assist them as well as the governor's office in trying to move toward enactment.

PRIORITY RECOMMENDATIONS

Enact legislative changes to strengthen political parties. These include raising contribution limits to adjust for inflation, exempting party entities from pay-to-play contribution limits, allowing state parties to spend directly on gubernatorial elections and ending the ban on party transfers during primaries.

Potential Benefit: The rapid rise of independent groups has seriously weakened political parties, which are more accountable and transparent because they have long been required to file detailed disclosure and spending reports. Taking steps to shift money away from independent groups to parties should benefit voters by leading to more disclosure, which is one of the simplest, cheapest ways to keep official abuses in check.

Broaden the governmental activities law to include lobbying of local governmental entities and to require more disclosure by professionals who advise lobbyists.

Potential Benefit: Current law requires disclosure by lobbyists who try to influence state officials, but not those who try to influence county or municipal officials. This expansion of disclosure requirements will make the public better aware of influence peddling at local levels of government. For instance, dozens of New Jersey municipalities enacted bans on recreational marijuana in 2018 but no one knows who lobbied them. In recent years, lobbyists increasingly have sought the services of professionals in areas such as public relations, political, legal, and digital and television advertising. Disclosure by these so-called "shadow" lobbyists will provide the public with a more complete picture of lobbying activity in today's digital age. Also seek statutory authority to require lobbyists to provide more details on their quarterly reports when they lobby on substantive matters on their quarterly reports. This might include date and location of meeting, name and title of official or officials who took part in the meeting, and the specific reason for the meeting.

Simplifying and standardizing "pay-to-play" laws by having just one law that applies to state, county and municipal contractors, ending the "fair and open" loophole, lowering from \$50,000 to \$17,500 the threshold for annual disclosure by contractors, raising from \$300 to \$1,000 the amount contractors can contribute, and including special interest PACs under the law. Contributions by contractors to independent groups should be disclosed.

LEGISLATIVE REVIEW & RECOMMENDATIONS

continued



Potential Benefit: A dizzying array of laws and executive orders have created a maze-like system for trying to limit pay-to-play abuses. It creates confusion and difficulty for both the regulated community and regulators along with needless legal costs. Extending the prohibition that applies to state contractors to county and municipal contractors should greatly reduce the “pay-to-play” influence of business entities.

When candidates spend campaign funds on dinners or other meetings, they must keep detailed records about who attended the event, what was purchased and why they considered the expense “ordinary and necessary.”

Potential Benefit: More disclosure for the public and less chance that a candidate will misuse campaign funds for personal use.

Enact legislation authorizing public financing in the event of a special gubernatorial election.

Potential Benefit: Would ensure that candidates involved in a special election can avail themselves of public financing just like candidates in regular election years.

Enact legislation that would require any state and local candidates in New Jersey setting up legal defense funds to disclose their contributions and expenditures in reports filed with ELEC.

Potential Benefit: Closes a gap in current law, which requires no such disclosure.

Requiring school board candidates to file candidate certified statements (A-1 forms) if they raise no contributions or make no expenditures.

Potential Benefit: School board candidates are the only candidates except for write-in candidates who are not required to make such a declaration. Given that spending on school elections grew steadily during the past decade, fuller disclosure by candidates seems warranted.

Expand the 48-hour notice requirement for continuing political committee (PACs) expenditures to require that they file notices for expenditures made to May Municipal, Runoff, School, and Special Elections.

Potential Benefit: More disclosure since an increasing amount of money is being spent on local elections.

Change the filing date for personal financial disclosure statements 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. 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.

OTHER RECOMMENDATIONS

Cost Savings and Efficiencies.

- Eliminate the gubernatorial spending qualification threshold.
- Lengthen Commissioner terms to six years from three years and select the Commission Chairman or Chairwoman for a fixed term.

Strengthen Campaign Finance, Personal Financial Disclosure and Lobbying Laws.

- Enact legislation that gives statutory force to Commission prohibition against the use of campaign funds to pay legal bills that arise from criminal allegations.
- Require candidates who are no longer in office to close their campaign accounts within a specified time set by the Legislature.



STATUTORY HISTORY OF ELEC

LAW	CREATED/ESTABLISHED	EFFECTIVE DATE
<i>Election Law Enforcement Commission</i>	P.L. 1973, c.83 (N.J.S.A. 19:44A-1 et seq.) "The New Jersey Campaign Contributions and Expenditures Reporting Act"	April 24, 1973
<i>Gubernatorial Public Financing Program</i>	P.L. 1974, c.26 (N.J.S.A. 19:44A-27 et seq.)	May 6, 1974
<i>Gubernatorial Public Financing Program Extending to Primary Elections</i>	Signed by Governor Brendan Byrne (Chapter 74)	July 23, 1980
<i>Personal Financial Disclosure Program</i>	P.L. 1981, c.129 (N.J.S.A. 19:44B-1 et seq.)	May 1, 1981
<i>Lobbying Program</i>	P.L. 1981, c.150 (N.J.S.A. 52:13C-18 et seq.)	May 22, 1981
<i>Continuing Political Committee Quarterly Reporting</i>	P.L. 1983, c.579 (amendments to N.J.S.A. 19:44A-1 et seq.)	January 17, 1984
<i>Gubernatorial Campaign Contributions & Expenditures - amendments</i>	(amendments to N.J.S.A. 19:44A-3 et al) Signed by Governor Thomas H. Kean	January 10, 1989 January 21, 1989
<i>Lobbying Reform</i>	P.L. 1991, c.243 (amendments to N.J.S.A. 52:13C-18 et seq.)	January 1, 1992
<i>Campaign Finance Reform</i>	P.L. 1993, c.65 (amendments to N.J.S.A. 19:44A-1 et seq.)	April 7, 1993
<i>Street Money Reform Law</i>	P.L. 1993, c.370, (codified as N.J.S.A. 19:44A-11.7)	January 7, 1994
<i>Uniform Recall Election Law</i>	P.L. 1995, c.105, (codified as N.J.S.A. 19:27A-1 et seq.)	May 17, 1995
<i>Political Identification Law</i>	P.L. 1995, c.391, (codified as N.J.S.A. 19:44A-22.2 and 22.3)	February 1, 1996
<i>Non-Profit Disclosure by Gubernatorial Candidates</i>	P.L. 2001, c.20, (codified as N.J.S.A. 19:44A-27 et seq.) Denies eligibility for public financing to gubernatorial candidates who oversaw a 527 or 501(c) non-profit group within four years of their candidacies unless the candidate discloses contributions and expenditures by those committees.	January 30, 2001
<i>Contribution Limit Changes</i>	P.L. 2001, c.384 (amendments to N.J.S.A. 19:44A-1 et seq.)	January 8, 2002
<i>Campaign Financing Reform Initiatives</i>	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.)	June 16, 2004 through January 1, 2006
<i>2005 Clean Elections Pilot Project</i>	P.L. 2004, c.121	August 11, 2004
<i>Lobbying Law Expansion</i>	P.L. 2003, c.255 and P.L. 2004, c.20, 27, 34, 36, 37, and 38 (amendments to N.J.S.A. 52:13C-18 et seq.)	April 13 through August 16, 2004



STATUTORY HISTORY OF ELEC continued

<i>Pay-to-Play Contracting Reform</i>	(amendments to N.J.S.A. 19:44A-1 et seq.) P.L. 2004, c.19 (codified as N.J.S.A. 19:44A-20.3 - 20.12) P.L. 2005, c.51 (codified as N.J.S.A. 19:44A-20.13 - 20.25) P.L. 2005, c.271 (codified as N.J.S.A. 19:44A-20.26 - 20.27)	January 1, 2006 October 15, 2004 January 1, 2006 January 5, 2006
<i>2007 Clean Elections Pilot Project</i>	P.L. 2007, c.60	March 28, 2007
<i>Office of Lieutenant Governor</i>	P.L. 2009, c.66	June 26, 2009
<i>Solicitation Ban on Public Property</i>	P.L. 2011 c.204	January 17, 2012
<i>Eliminates the Requirement of Candidates to File Duplicate Copies of Campaign Treasurer's Reports with County Clerks</i>	P.L. 2014, c.58 and N.J.A.C. 19:25-8.12	January 1, 2015
<i>Requires Governmental Affairs Agents to Disclose Compensation Received from State or Local Government Entities</i>	P.L. 2017, c.49 and N.J.A.C. 52:13C-21	May 1, 2017
<i>Requires Gubernatorial Ballot Statements to be Posted Online</i>	P.L. 2017, c.177 and N.J.A.C. 19:44A-37	July 21, 2017



Steve Kimmelman
Research Assistant



COMPLIANCE DIVISION

The Compliance Division did not miss a beat in 2021 even with COVID-19 restrictions remaining in place. With a combination of working remotely and being physically present in the office on a rotating basis, the compliance staff was able to balance the virus threat and maintain constant interaction with the public and regulated community to provide any assistance as usual.

All statewide elections were in play in 2021 and the gubernatorial public financing program kicked off very early in the year. Compliance staff held approximately 8 private webinars to train representatives from each gubernatorial campaign that desired instruction for participation in the program. New processing systems were utilized, both for filing by the campaigns for public financing, and for processing the applications for public funds.



Front row: Kim Key, Gianna Leonardo, and Desiree DeVito.
 Back row: Nancy Fitzpatrick, Maite Hopkins, Milene Matos, Daniel Horowitz, Stephanie Olivo, Walter Leavey, Jr., Monica Triplin-Nelson, Carl Skurat, and Titus Kamal.

The same two candidates that participated in the public financing program in the Primary also participated in the General. Public funding in the amount of \$8.7 million was disbursed during the Primary and \$21 million of public funds was disbursed during the General, totaling \$29.7 million for both elections.

In 2021 mandatory electronic filing was implemented for all candidates and committees, therefore, compliance staff was certainly busy assisting treasurers and candidates in their transition from paper filing. Webinars were conducted regularly to provide instruction to those that needed it and instructional videos were prepared and posted on our website for further and additional reference for the use of the electronic filing system.



Candidate	Amount	Election
Ciattarelli	\$ 4,600,000	Primary
Murphy	\$ 4,100,000	Primary
Ciattarelli	\$10,500,000	General
Murphy	\$10,500,000	General
Total	\$29,700,000	



COMPLIANCE DIVISION continued

In addition to public funding, the public financing program mandates ELEC select debate sponsors to undertake interactive debates for participants in the program for both the Primary and General elections. A debate was hosted by New Jersey 101.5 in advance of the Primary Election between Republican candidates Jack Ciattarelli and Hirsh Singh. In anticipation of the General Election debate sponsor applications were received from many willing sponsors which resulted in three debates held in advance of the General Election. The NJ Performing Arts Center, with partners, WABC-TV, WPVI-TV, 6-ABC Philadelphia, Twitter, Univision, WBGO-FM, NJ Advance Media and Rutgers Eagleton Institute of Politics and Rutgers School of Public Affairs and Administration hosted the first debate between Republican Jack Ciattarelli and Democrat Phil Murphy. The second debate between the candidates was hosted by NJ PBS with partners NJ Spotlight News, Rowan Institute for Public Policy and Citizenship, New York Public Radio, WNYC and The Gothamist. A Lieutenant Gubernatorial Debate between Democrat Sheila Oliver and Republican Diane Allen was hosted by the New Jersey Globe in partnership with the Rebovich Institute of Politics at Rider University and Project Ready.

In addition to the gubernatorial public financing program, the primary purpose of the Compliance Division is to assist the regulated community. Staff is available in person, over a computer or over the phone to provide guidance regarding statutory and regulatory requirements relative to campaign finance, lobbying, pay-to-play and the gubernatorial public financing program. Assistance is provided to individuals that are candidates for public office and their treasurers, political committees and continuing political committees, governmental affairs agents and those represented by them, professional campaign fundraisers and business entities contracting with public entities. The goal is to ensure that the regulated community files public disclosure reports that are accurate and on time. Staff also assists

members of the public and the media with instruction on the use of the website to search and locate available data and reports, and with Open Public Records requests.

In 2021 compliance staff handled election cycle reporting by candidates, joint candidate committees and political committees, which included candidacies for governor, state legislative senate and assembly for the primary and general, for local primary and general, municipal June and December runoff, school board, fire district and the May Municipal election; quarterly reporting relating to candidates, political party committees, legislative leadership committees and continuing political committees; registration of governmental affairs agents; annual and quarterly lobbying disclosure; registration of professional campaign fundraisers and quarterly fundraising activity; and business entities with public entity contracts.

Compliance staff aids all regulated groups and individuals by providing direct mail reminders, delinquent and non-filer letters, guidance documents and reference materials for filing requirements and due dates for filing obligations. Upon obtaining the names of candidates, the division is in immediate and frequent contact with those that have filing obligations.

Election	# of Candidates	# of Committees
Fire Commissioner	17	0
April Schoolboard	42	6
May Municipal	78	14
Primary	1,934	340
General	2,163	429
December Runoff	8	1
November Schoolboard	2,179	119
Special	1	2
Total	6,422	911



COMPLIANCE DIVISION continued

Regulated Group	Number	Reports Filed
Candidates and Committees	9,154	26,768
Public Contractors	2,022	2,318
Lobbyists (Avg)	915	6,201
Professional Fundraisers (Avg)	21	70
Total	12,112	35,357

Business Entity Disclosure of Contract and Contributions for 2020 reported in 2021

Business Entities	Number	Total Amount
Reported Contracts	19,539	\$9,283,018,541
Reported Contributions	6,318	\$ 8,652,230.95

With mandatory electronic filing implemented in 2021, ELEC received most required filings electronically and promptly disclosed them on ELEC’s website. In the alternative, during the transition to electronic filing, mailed reports were scanned by compliance staff for public viewing on ELEC’s website. Compliance officers review every report to associate them with the appropriate filing entity for easy web searching and review for compliance with the applicable law and regulations. When compliance staff finds reporting errors, they send out letters recommending corrections that ensure proper disclosure.

Compliance staff creates regulatory guidance documents, gives informational seminars and webinars, responds to telephone inquiries and assists individuals that appear in-person.

Public Assistance	
Seminars/Webinars	42
Seminars Participants	333
Trained Treasurers	343
Telephone Assistance	9,985
Public Room Assistance	17
Open Public Records Responses	36

Compliance staff continuously attempts to review disclosure reports for assistance with data collection for analytical press releases. It also regularly seeks improvements to forms and ELEC’s website to better accommodate the regulated community. Staff reviews statewide election reports for contribution and expenditure totals and conducts a review of annual lobbyist reports to allow for the preparation and posting of analytical data.

The Compliance Division aspires to provide excellent customer service to both the regulated community and the public. Whether compliance is assisting over the phone, in a seminar or at a conference or convention, every effort is made to provide information and instruction on properly completing the disclosure forms and to provide the public with accurate and meaningful disclosure of information to promote the intent of the law and regulations. Compliance staff can be made available outside the office to provide informational seminars or training sessions, or to attend conferences or conventions. Providing helpful, courteous service each day to the regulated community and the public is our highest priority.

LAW DIVISION

LEGAL SECTION

The Legal Section (Legal) is responsible for preparing advisory opinions and regulations, and interpreting and enforcing the laws under the jurisdiction of the Commission. Complaints, final decisions, advisory opinions, and regulations are posted on the Commission's website to provide the public with timely and convenient access to legal resources. Legal also advises the Commissioners and staff on various aspects of the Commission's work.

ENFORCEMENT ACTIONS

The Commission is statutorily authorized to issue complaints alleging violations of the New Jersey Campaign Contributions and Expenditures Reporting Act (Campaign Act), N.J.S.A. 19:44A-1, et seq., and to seek monetary penalties. Legal prosecutes violations of the Campaign Act by issuing complaints, litigating those cases/enforcement actions to resolution and presenting them to the Commission for a determination that is set forth in a final decision. Enforcement actions are designed to achieve accurate and complete reporting by candidates and committees, and to discourage future violations by imposing appropriate penalties.

Upon receipt of a complaint, Respondents have the right to request a hearing and have the matter transmitted to the Office of Administrative Law, or they can waive their right to a hearing. At the conclusion of each case, the Commission issues

a final decision that sets forth findings of fact and conclusions of law specifying the violations found and the penalty imposed for specific violations. Final decisions issued in 2021 found that candidates and committees violated the Campaign Act by: (1) failing to file and filing reports late; (2) failing to file 48-hour notices; (3) failing to report and late reporting of contributions and expenditures; (4) failing to report and late reporting of the contributing member(s) of contributions drawn on



From left: Tia Dinh, Theresa J. Lelinski, Gail L. Shanker, Amanda S. Haines, Demery J. Roberts, Kelley Keane-Dawes and Ben Kachuriner.

the accounts of LLCs or LLPs; (5) receipt of excessive contributions and excessive currency contributions; (6) failure to certify a report and failure to file a final report; and, (7) making contributions to candidates and committees in the name of another. The Commission issued 140 final decisions in 2021.



LAW DIVISION continued

Beginning 2021 with an inventory of 118 cases open from 2020, Legal issued 175 new complaints and closed 146 cases; 147 cases remained open. Monetary penalties paid during 2021 totaled \$135,009.

OTHER LITIGATION

Working with outside counsel, Legal opposed an application for emergent relief filed in the Appellate Division by Philip Rizzo, a gubernatorial candidate in the 2021 primary election, and Rizzo for Governor Campaign (collectively, the Campaign). The Campaign challenged the Commission's determination that Philip Rizzo was not a qualified candidate, and therefore could not participate in the Gubernatorial Public Financing Program (Program).

A candidate must be deemed a "qualified candidate" to be eligible to participate in the Program and receive public funds. To be a qualified candidate for the primary election, a candidate was required to do the following by April 5, 2021: (1) file Form G-1A, that states that the candidate intends to apply for public funds and is obligated to participate in two debates; (2) file Form P-2A, a certified report regarding issue advocacy organization involvement; and (3) file Form P-1 reporting contributions and expenditures, with supporting documentation, demonstrating that the candidate has deposited and expended or committed to expend \$490,000.00 (contribution and expenditure threshold).

The Campaign applied to the Commission to receive public matching funds. After review of the documentation submitted, the Commission advised the Campaign that it did not satisfy the requirements necessary to participate in the Program and receive public funds. The Campaign filed an Application for Permission to File Emergent Motion in the Appellate Division. The Appellate Division denied the motion because the Campaign

did not apply to the Commission for any other administrative remedy, such as a hearing. The Commission convened an emergency meeting, held a hearing and heard argument from Counsel. After conducting the hearing, the Commission determined that: (1) Rizzo's initial Form P-1 was submitted two days beyond the statutory deadline; (2) the expenditure threshold was not satisfied; (3) that it did not have the statutory authority to grant the relief requested; and, (4) that Rizzo was not a qualified candidate.

The Campaign filed another "Application for Permission to File Emergent Motion" with the Appellate Division, seeking reversal of the Commission's decision. The Campaign argued that the Commission's decision was arbitrary, capricious and unreasonable as it failed to liberally interpret the Campaign Act, exercise its discretion to relax the rules and recognize the constraints of the pandemic. Additionally, Rizzo argued that the Commission's decision ignored the public mandate of the statute. Although the Appellate Division issued an Order granting the Campaign's motion seeking emergent review, the Court summarily affirmed the Commission's decision. The Appellate Division stated that its limited review of ELEC's decision was guided by whether ELEC's decision conformed with relevant law and is supported by substantial credible evidence, and whether ELEC erred in reaching its determination when it applied the law to the facts in the record. The Appellate Division concluded that the Campaign did not present "any legal or factual basis to disturb the decision reached by ELEC."



LAW DIVISION continued

ADVISORY OPINIONS

The Campaign Act authorizes the Commission to issue advisory opinions to provide guidance to the regulated community upon request. The requestor must have standing and may only request an opinion as to future activity. Once issued Commission advisory opinions are posted on the Commission's website.

In 2021 the Commission issued one advisory opinion, AO 01-2021. In AO 01-2021 the New Jersey State Democratic Committee (NJDCS), a political party committee, asked whether it was permitted to:

'[A]ccept funds transferred by ... individuals and entities to a segregated account ... (the "Housekeeping Account") opened by the NJDCS to be used solely for non-political purposes – such as legal, accounting, human-resources, compliance/accounting, collective bargaining and other non-political professional services, as well as capital expenses [such] as mortgage payments, rent, utilities, and taxes ... – with the recognition that such transfers are not "contributions" as defined under the ... [Campaign] Act, and thus not subject to the contribution limits under the [Campaign] Act[.]'

The Commission advised that all funds transferred by an individual or entity to a NJDCS segregated "Housekeeping Account" are contributions pursuant to the Campaign Act, and therefore subject to contribution limits.

The definition of "contribution" under the Campaign Act and Commission Regulations both include all/any transfers of money or other things of value. Finding that all expenditures made by the NJDCS are subject to the Act, the Commission noted that the Campaign Act requires political party committees to report all expenditures, whether or

not an expenditure is made "to support, defeat or provide information on any candidate or election."

Moreover, the Legislature imposed a \$25,000 limit on contributions made to a state political party to restrict the potential influence of a single contributor over the committee. The Commission believes that permitting a single contributor to transfer funds in unlimited amounts, even to a segregated fund use for non-political purposes, thwarts the purpose of contribution limits. Concluding that these "transfers" were contributions, subject to the statutory contribution limits, the Commission stated that:

[A]llowing the NJDCS to receive unlimited amounts of funds from a single source/contributor undermines the purpose of contribution limits, even if those funds are transferred to a segregated account used solely for non-political purposes. The risk of undue influence over the party is related to the amount of money contributed, not how those particular funds are spent.

CONCLUSION

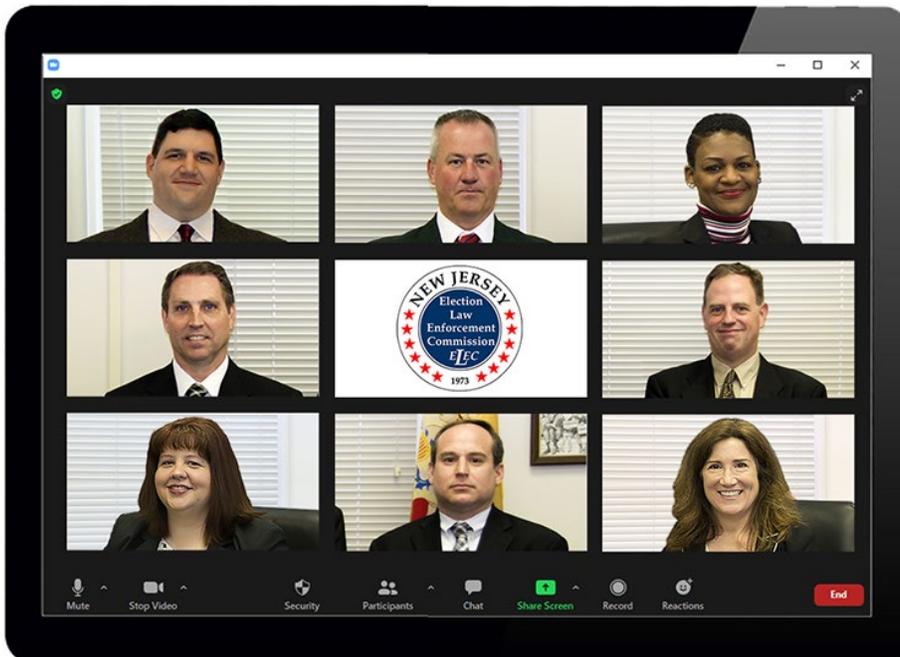
Interpreting and enforcing the provisions of law are critical elements of effective administration of the campaign and lobbying financial disclosure entrusted to the Commission. Legal continues to meet its challenges in a professional and responsible manner by enforcing the laws fairly and uniformly, and respecting the protections under the law afforded each Respondent.



REVIEW AND INVESTIGATION SECTION

The Review and Investigation consists of a director, six investigators and one support staff member.

In calendar year 2021, the Review and Investigation Section closed 33 investigations. The investigations primarily focused on the incomplete or untimely filing of campaign reports, campaign report information such as complete disclosure of contribution and expenditure information, receipt of excessive contributions, and reporting obligations of individuals and/or entities that expended funds independently of the candidate.



Top row: Marcus Malmignati, Shreve Marshall, and Tamico Flack.
Middle row: Brett Mead and Christopher Gear
Bottom row: Danielle Hacker, Matthew Krinsley, and Laura Jurkiewicz.

REQUESTS FOR INVESTIGATION

Any member of the public can request an investigation by completing the Confidential Request for Investigation form, which can be found

on the Commission's web site, www.elec.state.nj.us. The Requests for Investigation continue to be a major source of information regarding alleged violations of the Reporting Act as many members of the public continue to hold accountable their elected officials. When submitting a Request, it is helpful if the complainant provides as much information as possible, such as copies of campaign literature, photographs of campaign signs and any other information that may support the alleged reporting violation. However, these Requests cannot be filed by facsimile.

The Commission received a total of 102 Requests for Investigation in calendar year 2021.

The Commission also initiates investigations as a result of staff reviews of reports filed with the Commission. The Review and Investigation Section opened 9 new investigations in calendar year 2021. The Commission does not release any information to the public, indicating how it may have learned of a specific reporting violation or comment as to how an investigation is initiated.

INVESTIGATIONS

In most cases, R&I will issue a subpoena either to entities that are the subject of the investigation or to financial institutions where a designated campaign or organizational depository is established. The

subpoenas are issued for the production of documents that are needed to corroborate the financial information that was reported by the respondents or obtain more accurate information to assist the respondents with their filing obligations.

LAW DIVISION continued

In calendar year 2021, the section issued 36 subpoenas during the course of an investigation and in support of the Legal Section during litigation.

NON-FILER COMPLAINTS

The Review and Investigation Section is also responsible for reviewing the filings of candidates and committees to make referrals for complaint to the Legal Section of those entities that fail to file with the Commission. In 2021, 94 such complaint recommendations were transmitted to the Legal Section

The R&I section also assists the attorneys in the Legal Section with follow-up enforcement activity such as locating addresses for sheriff's service of complaints and in the preparation of cases for hearings before the Office of Administrative Law. In this instance, the investigator is required to prepare as the State's witness in the cases in which the respondents do not waive their right to such hearings. The investigators are also called upon to review amended reports filed by respondents in response to Commission complaints.



Review and Investigation
From Left: Brett Mead and Danielle Hacker

ADMINISTRATIVE HEARING AND OTHER LEGAL SUPPORT

The Section's investigators also review the Commission's files for records of candidates and entities participating in an election who have failed to file any reports.



INFORMATION TECHNOLOGY DIVISION

INFORMATION TECHNOLOGY DIVISION

2021 ushered in a new era of mandatory electronic filing- a long-time ELEC goal. The timing could not have been more opportune. With the COVID-19 pandemic still a public health risk, the agency office was operating with limited staffing due to state health department mandates. This provided extra incentive for members of the regulated community to efile.

commission to handle its disclosure obligations with few disruptions. Despite the partial office shutdown, the IT staff still was able to provide timely responses to help desk calls from within the agency and from the public.

Monthly commission meetings during 2021 were held via GoToWebinar, where commissioners and staff could participate on video from homes or offices. The public also could easily take part without driving into ELEC's Trenton office- one

positive benefit that emerged due to the virus outbreak. Now that COVID-19 restrictions have been lifted, commission members intend to keep broadcasting their meetings to continue this convenience.



Front row: Shirley Bryant, Kim Swartz, Aydan Altan, Anthony Giancarli, and Brenda Brickhouse.
Back row: Peter Palaitis, Elias Amaya, Lou Solimeo, Susan Danley, Helen Kelly, Bettie Michael, Ken Colandrea, and Brian Robbins.

ELEC eFile, a state-of-the-art online filing platform, has been in operation since January 2019, though it was not initially mandatory. Enhancements have been added that made a good system even better, such as the ability to easily import contributions and expenditure data. This was especially useful to many larger campaigns and PACs that might receive hundreds or even thousands of contributions.

Most ELEC staff worked remotely for most of the year, relying on GoToMyPC, a remote access program. Combined with the ability for the filing community to submit their reports, it enabled the

One of the main focuses of the IT staff in 2021 was the gubernatorial election. The Gubernatorial Electronic Filing System (GEFS), which solely serves gubernatorial candidates who in New Jersey are eligible for public financing, was placed into production in the third quarter of 2020. A major advancement to the previous software, this web-based application allows campaigns to quickly enter contribution and expenditure information. Additionally, the system helps to manage documents that must be submitted by campaigns to obtain public matching state funds. These reports are examined in detail by ELEC staff.



Once a governor is elected, there usually is a gala event celebrating their election to the highest office in New Jersey. A special inaugural report must be filed with the commission that outlines contributions collected to hold this event along with a detailed expenditure report. ELEC eFile enables the campaign to maintain an accurate accounting of their activities.

Although ELEC eFile was designed to be intuitive and easy to use, training and assistance on how to properly use the application is provided by the Compliance department. The IT department has worked closely with Compliance in developing high-quality training webinars. GoToWebinar, an online video conferencing solution, was chosen. The platform provides high-definition video and crystal-clear audio. At a time when in-person training was not possible, ELEC was able to host successful virtual classes and deliver interactive training to candidates and treasurers.

Because of the pandemic, ELEC also implemented an online electronic payment system for Government Affairs Agents (lobbyists) and professional campaign fundraisers. Filers who violate ELEC regulations also now can pay fines online. Individuals have the option of using a credit card or sending their payment via e-Check. The easy-to-use payment application was developed in cooperation with the state Treasurer's Office.

Providing a security gateway for electronic payments is essential not only when making payments online, but also to safeguard the personal information of users. Personal Identifiable Information (PII) is the IT industry term for information needed by an organization to unequivocally identify an individual. From a legal perspective, this information must be transmitted, stored, processed, and managed securely. For this reason, the state uses a reliable third-party gateway to ensure compliance with all applicable PII laws.

ELEC ePayments went into production in November just in time to enable government affairs agents and campaign fundraisers to pay their annual

renewal fees online. Several fines also have been paid through the new system.

According to Executive Order 225 signed by Governor Chris Christie, agencies are no longer allowed to purchase computer hardware. Last year, the IT staff transferred most of its servers to the state Office of Information Technology (OIT)'s computer center. ELEC's main database server along with the web server and web search database are the only physical servers still owned and managed by ELEC.

In 2019, ELEC began using Microsoft's Azure cloud environment to host the ELEC eFile system. Since that transition has been a success, planning has begun to also migrate ELEC online search database to the cloud. The Main database will be moved to OIT's Oracle Exadata environment.

DATA ENTRY SECTION

Data Entry continues to do a diligent job processing registrations and PIN applications. This system is used by filers to electronically sign their reports. The volume of these applications have increased since mandatory electronic filing began.

Campaign and PACs spending less than a specified amount are not required to file detailed disclosure reports. However, they are obligated to disclose contributions over a certain threshold which are reported on the C1, C2 and C3 short forms. The data entry staff enters these contributions into ELEC's legacy ELECTrack application. These reports are then released to the searchable database on the website based on a disclosure schedule.

Thousands of candidate names received from all 21 counties in New Jersey also must be hand-entered into the database at the start of each election cycle. These names represent individuals seeking public office from all legislative, county, and local races throughout the year.



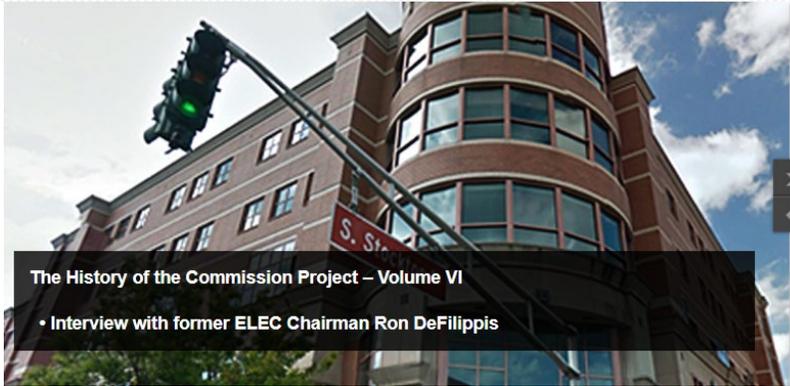
HOMEPAGE

Governor Phil Murphy • Lt. Governor Sheila Oliver

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New Jersey Election Law Enforcement Commission

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Advice for Filers

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- Electronic Filing
- ELEC ePayments
- Report Disclosure Dates
- Candidates
- Continuing Political Committees (PACs)
- Gubernatorial Public Financing Program
- Independent Committees
- Legislative Leadership Committees
- Lobbyists
- Political Committees
- Political Party Committees
- Professional Fundraisers
- Public Contractors
- Treasurers

Where To Find

Complaints and Final Decisions	Contributions and Expenditures	Candidate or Committee Reports	Lobbying Reports
Press Releases	Pay to Play Reports	Advisory Opinions	News Letters, White Papers and Other Publications

Press Releases

- Business Entity Annual Statement**
March 24, 2022
- April School**
March 15, 2022
- Lobbying Annual Reports** March 10, 2022
- Commission Meeting Agenda**
March 9, 2022
- Pay-to-Play Annual Statement Filing Reminder**
March 9, 2022
- Enforcement Action**
March 2, 2022

Spotlight On

- The History of the Commission Project - Volume V
 - Interview with former NJ State Senate President John Lynch ▶
- ELEC-Tronic Newsletter Issue 154 April 2022 ▶
- White Paper No. 29 ▶
- 2021 Annual Report ▶
- NEW JERSEY & ITS PARTY SYSTEM: A Collection of Columns Extolling the Benefits of Political Parties ▶
- 2021 Cost Index Report ▶
- Jersey Matters Dark Money
 - 'Dark money' flows into NJ politics & none of it has to be accounted for northjersey.com

Contribution Limits

View contribution limits for candidates, parties, political committees and PACs ▶

Disclosure Dates

Pending report disclosure dates ▶

Additional Info

5 Priority ELEC Recommendations

How do I...?

- Electronically file my reports?
- Candidates and Committees
- Lobbyists
- Public Contractors
- Gubernatorial Candidates
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FINANCE AND ADMINISTRATION DIVISION

FINANCE AND ADMINISTRATION DIVISION

During 2021, the Finance and Administration Division 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 Division are budget planning and analysis, purchasing/procurement, personnel and payroll administration, mail processing, and facilities management. Additionally, the Finance and Administration Division oversees multi-function devices and all other machinery maintenance for the entire Commission. Finally, reception services for the Commission are housed within the Finance and Administration Division. 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 a knowledgeable staff member and are not simply forwarded to a voicemail or telephone menu.

During 2021, the Finance and Administration Division staff worked tirelessly with other Commission Divisions 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.



Front Row: Barbara Rann, Cheryl Lippincott, and Samantha Schutzbank.
Back Row: Kelvin Fisher, Aracelis Brown, Tamika McCoy, Christine Clevenger, Christopher Mistichelli, and Elaine Salit.

BUDGET

One of the major areas of responsibility for the Finance and Administration Division is the preparation, analysis, and management of the Commission's budget. The Commission's fiscal year 2022 Direct State Services adjusted appropriation is \$5,297,000 which is an increase of \$74,000 from the fiscal year 2021 Direct State Services adjusted appropriation. This increase is from salary program to offset increases in salaries. Thus, the Finance and Administration Division staff continued to work to ensure the accurate budgeting and management of expenditures.

PERSONNEL

Another major area of responsibility for the Finance and Administration Division is the coordination and management of personnel activities for the entire Commission. The Finance and Administration Division staff successfully worked with the Civil Service Commission and the Governor's Office during 2021 to comply with all State personnel rules and regulations in backfilling positions. This has allowed overall staff levels to remain unchanged over the past few years.



In early 2020, the Division of Finance and Administration was tasked with creating a remote work plan as a result of the ongoing pandemic. Human Resources, which falls under the Division, created a policy and procedure applicable to all employees to allow remote work where possible throughout 2021. This allowed ELEC to follow all safety protocols and guidelines set forth by the CDC and the Governor’s office, ensuring the well-being of our staff as well as allowing all operations to go on almost entirely uninterrupted.

All State and Federal health and safety requirements, such as possible exposure notifications/quarantines, cleaning protocols, mask mandates, and the like have been strictly adhered to as they have been issued and/or updated.

OTHER RESPONSIBILITIES

In addition to handling budget, fiscal and personnel matters for the Commission, the Finance and Administration Division is also responsible for general administrative functions, such as reception,



Finance and Administration
Christine Clevenger

mail processing, overseeing machinery and equipment maintenance, and acting as the Commission’s liaison with Building Management. During 2021, the Division continued to work to maintain an atmosphere where all other Divisions 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 Division has been an integral part of the Commission. During 2021, the Division operated within the parameters established by the Department of Treasury and the Governor’s Office and continued to handle all responsibilities effectively.



Finance and Administration
Elaine Salit



In FY 2023, the Commission anticipates an appropriation of \$5,467,000 based on the Governor’s Budget Message.

COMPARISON OF FISCAL YEARS 2021 AND 2022 ORIGINAL DSS APPROPRIATIONS		
	FISCAL-2021 APPROPRIATION	FISCAL-2022 APPROPRIATION
Salaries and Wages	4,477,00	4,551,000
Printing and Supplies	44,000	44,000
Services Other Than Personal	700,000	700,000
Maintenance and Fixed Charges	2,000	2,000
Total Operational	\$5,223,000	\$5,297,000

2021 EVALUATION DATA

Disclosure Reports (Total	35,357
Campaign & Quarterly	26,768
Lobbyist	6,201
Pay-to-Play	2,318
Professional Campaign Fundraiser	70
Investigations	33
Complaints	175
Public Assistance Requests	12,632
Fine Collection	\$135,010
Lobbying Annual Fees	\$435,263
Campaign Fundraiser Annual Fees	\$20,000



COMMISSION STAFF & ORGANIZATION CHART

EXECUTIVE

JEFFREY M. BRINDLE, EXECUTIVE DIRECTOR

JOSEPH W. DONOHUE, DEPUTY DIRECTOR

Christopher Vigale
Elbia L. Zeppetelli
Steven Kimmelman

COMPLIANCE DIVISION

STEPHANIE A. OLIVO, ESQ., COMPLIANCE DIRECTOR

Carl Skurat
Daniel Horowitz
Desiree DeVito
Gianna Leonardo
Kimberly Key
Maite Hopkins
Monica Triplin-Nelson
Michel Donato-Suarez
Milene Matos
Nancy Fitzpatrick
Titus Kamal
Walter Leavey, Jr.

FINANCE & ADMINISTRATION DIVISION

CHRISTOPHER MISTICHELLI, DIRECTOR

Aracelis Brown
Barbara Rann
Christine Clevenger
Cheryl Lippincott
Elaine J. Salit
Kelvin Fisher
Tamika McCoy
Samantha Schutzbank

LAW DIVISION

DEMERY J. ROBERTS, ESQ., LEGAL DIRECTOR

AMANDA HAINES, ESQ., DEP. LEGAL DIRECTOR

Benjamin Kachuriner, Esq.
Gail L. Shanker, Esq.
Kelley Keane-Dawes, Esq.
Maureen Tilbury
Theresa J. Lelinski, Esq.
Tia Dinh, Esq.

REVIEW AND INVESTIGATION

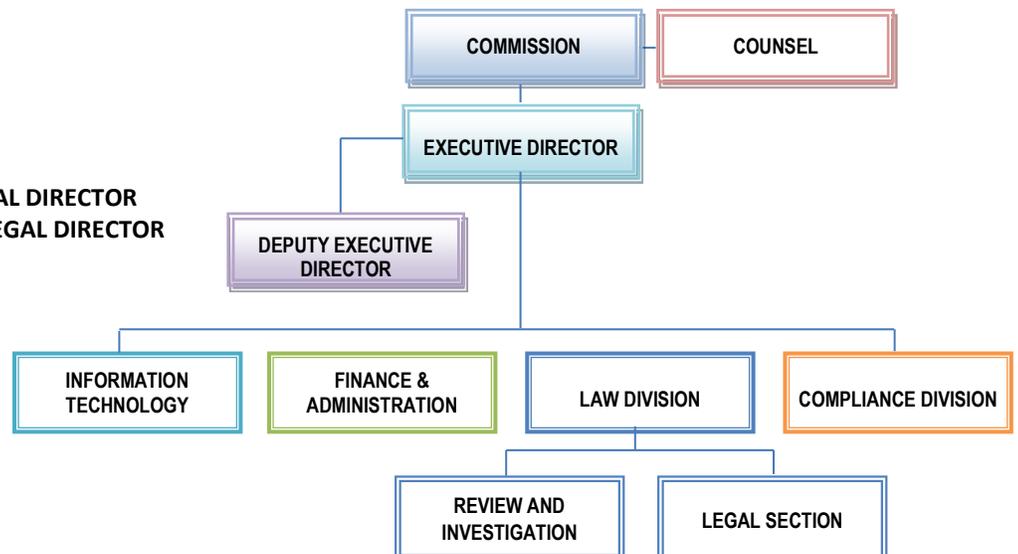
SHREVE E. MARSHALL, JR., DIRECTOR

Brett Mead
Christopher Guear
Danielle Hacker
Laura Jurkiewicz
Matthew Krinsley
Marcus Malmignati
Tamico Flack

INFORMATION TECHNOLOGY DIVISION

ANTHONY GIANCARLI, DIRECTOR

Aydan A. Altan
Brenda A. Brickhouse
Brian Robbins
Darlene Kozlowski
Elias J. Amaya
Elizabeth Michael
Helen Kelly
Kim Swartz
Ken Colandrea
Louis Solimeo
Maryanne Garcia
Peter Palaitis
Shirley R. Bryant
Susan Danley





ELEC OVERVIEW

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
Lynnan B. Ware, Commissioner

2001

Judge Ralph V. Martin, Chair
Paula A. Franzese, Vice Chair
Lynnan 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

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

2011

Ronald DeFilippis, Chairman
Walter F. Timpone, Vice Chairman
Judge Amos C. Saunders, Commissioner
Judge Lawrence Weiss, Commissioner
(Appointed 4-2011- Deceased 11-13-2011)
Jerry Fitzgerald English, Commissioner
(Retired 3-15-2011)

2012-2015

Ronald DeFilippis, Chairman
Walter F. Timpone, Vice Chairman
Judge Amos C. Saunders, Commissioner
(Deceased 8-16-2015)

2016

Ronald DeFilippis, Chairman
Walter F. Timpone, Vice Chairman
(Resigned 5-2-2016)

2017

Ronald DeFilippis, Chairman
(Retired 7-2017)
Eric H. Jaso, Chairman
Judge Stephen M. Holden, Commissioner
Eric H. Jaso, Commissioner

2018-2021

Eric H. Jaso, Chairman
Judge Stephen M. Holden, Commissioner
Judge Marguerite T. Simon, 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
1994-2012	James P. Wyse
2012-Present	Edwin R. Matthews

CONSULTANT

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