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ELEC-Tronic

AN ELECTION LAW ENFORCEMENT COMMISSION NEWSLETTER

"Furthering the Interests of an Informed Citizenry"

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Comments from the Chairman Ronald DeFilippis

Now that the June primary is over, I would like to lay out some of the filing and logistical requirements applicable to winning candidates.

First, all candidates are required to file 20-day post election reports.

Those candidates who have won the primary and are preparing to contest the general election should close out their primary campaign account and establish a general election depository account.

Funds remaining in the primary account may be transferred to the general election account for the same office.

Likewise, obligations and liabilities may be transferred to the general election account as well. However, a candidate with net liabilities may opt to maintain his or her existing primary account for the purpose of retiring those liabilities.

When a candidate transfers his or her funds and obligations to a newly designated general election account, the 20-day post report is designated as the final report of the candidate committee.

All of the above guidelines apply to joint candidate committees as well.

Following the filing of the final primary report, or 20-day post report, candidates in the general election are next required to file reports 29-days before the November election.

As in the primary, general election reports should include all contributions received and expenditures made beginning on or after the 18th day following primary day and ending on the 32nd day preceding the date of the general election.

Following the 29-day report, candidates (includes joint candidate committees) are required to report 11-days prior to the general election and 20-days following that election.

In the case of candidates who opt to maintain their primary account, they are required to report quarterly until all liabilities are satisfied and the primary report is finalized.

It should be pointed out that candidates may designate their primary account as their general election account for the same office subject to the following guidelines:

1. They file a certificate of organization and designation of campaign depository no later than 10 days after establishing the committee;
2. The filing should contain the name of the candidate committee and the office sought (the surname of the candidate must be included in the committee name).
3. The name and mailing address and telephone number of the chairperson; and
4. The name, mailing address and telephone number of the treasurer.

Again, all guidelines apply to joint committees as well.

For further guidance, contact the Compliance staff at the toll free no. 1-888-313-3532 (ELEC) to answer questions.

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Executive Director's Thoughts Jeff Brindle

Recently, the New Jersey Election Law Enforcement Commission celebrated forty years of public service.

As part of the festivities, Deputy Director Joseph Donohue, with assistance from College of New Jersey Intern Henry Coslick, prepared a chronology of key milestones in ELEC's history.

Donohue's work is masterful in capturing important events involving the Commission. It should serve as a useful reference for policy makers, the media, academic researchers and the general public.

What follows are some of the highlights contained in Donohue's chronology. A complete guide to seminal events in ELEC's history are found in the June 18, 2013 Special Edition of ELEC-Tronic, the Commission's newsletter.

The newsletter can be accessed through the Commission's website at www.elec.state.nj.us.

- **April 24, 1973-** The New Jersey Campaign Contributions and Expenditures Reporting Act (The Act- Chapter 83) is signed into law by Governor William Cahill, creating the four-member Election Law Enforcement Commission.
- **May 6, 1974-** The Gubernatorial Public Financing Program (Chapter 26) is enacted by Governor Brendan Byrne, who calls it a "first giant step toward removing the evil of large, private contributions from gubernatorial elections." The law, sponsored by future ELEC Commissioner Albert Burstein (D-37), applies only to general elections and imposes first ever contribution limits (\$600 per election in 1977) and spending limits on candidates in exchange for public funding.
- **May 8, 1980-** In *New Jersey Chamber of Commerce v. New Jersey Election Law Enforcement Commission*, the State Supreme Court issues order upholding constitutionality of lobbyist disclosure requirements but narrowing focus of the law.
- **January 17, 1984-** Under new law (Chapter 579) enacted by Governor Tom Kean, continuing political committees, commonly called political action committees or simply PACs, must begin reporting their campaign finance activities with the Commission.
- **October 22, 1990-** Ad Hoc Commission on Legislative Ethics and Campaign Finance releases 29 recommendations, including contribution limits for all state and local candidates, creation of legislative leadership committees, restrictions on the use of campaign funds and full disclosure of lobbyist expenditures.
- **March 8, 1993-** Governor Jim Florio enacts a law (Chapter 65) that, for the first time in state history, imposes contribution limits on all state and local candidates in New Jersey. Sponsored by Senate President Donald DiFrancesco (R-22) and Assembly Speaker Garabed "Chuck" Haytaian (R-23), the law also allowed the four legislative leaders to establish their own political action committees, set new restrictions on how candidates could use campaign funds, and imposed stiffer fines for violations.
- **January 7, 1994-** Sponsored by Assembly Speaker Garabed "Chuck" Haytaian (R-23), a bill banning the use of cash for "street money" payments and requiring the use of checks is signed into law (Chapter 370) by Governor Jim Florio.
- **October 6, 1999-** Upgrades to ELEC's computer enable the public, for the first time, to search reports filed by candidates on the agency's website.
- **June 16, 2004-** Governor Jim McGreevey enacts 20-bill package of ethics and campaign finance bills, including state's first pay-to-play restrictions for public contractors .
- **November 8, 2005-** With the two major party nominees, Democrat Jon Corzine and Republican Doug Forrester, bankrolling their own campaigns and not participating in the Gubernatorial Public Financing Program, the campaign for governor costs nearly \$88 million. It is the most expensive state election in history.
- **November 3, 2009-** Independent special interest groups spend \$14 million in the New Jersey's governor's race, reflecting a trend of outside groups playing a bigger role in state, national and even local campaigns.
- **November 16, 2009-** For the first time, contributions made to local officials can be searched on ELEC's website.
- **November 5, 2010-** ELEC receives the "Best Official New Jersey Web Site" award from the Documents Association of New Jersey.

40th Anniversary Celebration

By Deputy Director Joseph Donohue

Pictures By: Exe. Software Engineer Brian Robbins

Forty years ago this year, a tiny but influential New Jersey agency called the New Jersey Election Law Enforcement Commission was born amid the anti-corruption zeal that followed the Watergate scandal.



Chairman Ronald DeFilippis

On June 18th, members past and present gathered at the agency's downtown Trenton office to commemorate its anniversary.

Frank Reiche, the agency's first chairman and the only ELEC commissioner to also serve on the Federal Election Commission, said he believes ELEC

remains one of the nation's premiere regulatory agencies in the area of campaign finance and lobbying.

"It is one of the hallmark commissions of its type in the United States," he told about 80 visitors and staff members packed into ELEC's conference room.

Reiche opined that the agency is the "gold standard of all state commissions in a variety of ways, but most of all in terms of integrity and far-reaching attitude."

Current Executive Director Jeff Brindle said one reason ELEC and its credibility have endured is because the original law enacted by Governor William Cahill on April 24, 1973 "would create a statutorily independent agency, free of the influence of any political party or public official."

"It started out that way and remains so today. Both political parties and all governors have respected this independence. And the Commission, in turn, has acted with the utmost of integrity and autonomy," he said.

Current ELEC Chairman Ronald DeFilippis, appointed to the Commission by Governor Chris Christie in June 2010,

gave assurances that the long tradition of political neutrality continues today. "There are no Rs, there are no Ds, there are no Is. There are those that violate and those that don't violate. And that's really the way we look at things."

DeFilippis said ELEC is trying to hold candidates to high standards to enhance voter trust. Those who flaunt the law should expect consequences, he said.

"Eventually, maybe not the day it happened, we will find out when you do something wrong. And you will pay a price for that. In reputation, in monetary fines, and things of that nature," he said.

Former State Senator William Schluter (R-Mercer County) said that even though it took years to enact the law creating ELEC, its supporters resisted compromises they thought would weaken the effectiveness of the agency.

"When this bill was going through the Legislature, we didn't compromise on principle, and it's a good thing," he said. "Disclosure is the key thing...You've got to have integrity of disclosure."

For their parts in helping to craft the legislation, Schluter credited Samuel Alito, a consultant to the Election Law Revision Commission, first Director of the New Jersey Office of Legislative Services, and father of U.S. Supreme Court Justice Samuel Alito, Jr. and John Lee, a former Office of Legislative Services analyst and one-time Trentonian editorial writer.



From left: Vice Chairman Walter F. Timpone, Chairman Ronald DeFilippis, former Executive Director Frederick M. Herrmann, Executive Director Jeffrey M. Brindle, and Commissioner Amos C. Saunders.

Former Assemblyman Albert Burstein (D-Bergen County), also a one-time ELEC commission member and a supporter of the original law, sponsored a 1974 law that created the nation's first program to provide public financing to state gubernatorial candidates. That program continues today.

Burstein said he is just as sure now as he was four decades ago that ELEC's "Founding Fathers" pursued the correct reforms in how New Jersey candidates finance their campaigns. "As I look ahead, it seems to me that the rightness of...(the)...function performed on a daily, monthly and yearly basis in ELEC, is the wave of the future, not the past."

During the ceremonies, Brindle announced that ELEC was dedicating its eighth floor conference room to Frederick Herrmann, who retired as Executive Director after 25 years of service in June 2009. During his tenure, Herrmann served as President of the Council on Governmental Ethics Laws (COGEL) and of the Northeastern Regional Conference on Lobbying (NORCOL).

Brindle noted: "Fred cared about the institution, cared about ELEC, for 25 years. He contributed a tremendous amount...As a result, he left a legacy which I think he should be very proud of."

Citing his "fantastic experience" at the agency, Herrmann said one of the secrets to its success is the dedication and longevity of much of its staff. "If you call a lot of other state agencies, the person who picks up the phone usually has been there for 30 days. You talk to somebody from ELEC and they've been here 30 years."

DeFilippis said ELEC is now "directed toward the future. It was a great 40 years that have gotten us to this point. But this is not an end. We are still along the trail. We've got to modernize and we've got to do things quicker."

The Commission has compiled a list of milestones to commemorate its 40th anniversary:

http://www.elec.state.nj.us/pdf/files/press_releases/pr_2013/pr_06172013.pdf.



From left: ELEC's first Chairman Frank P. Reiche, former Executive Director Frederick M. Herrmann, former Commissioner Albert Burstein, former Senator William Schluter, and Executive Director Jeffrey M. Brindle.



Frederick M. Herrmann, Ph.D.
Conference Room - Dedication
In Appreciation of 25 Years of Dedicated Service





Fred Herrmann and wife Susie Herrmann

Jennifer Kirby "Profile"

Public Finance Analyst

By Joe Donohue

Jennifer Kirby is one of the reasons why the Gubernatorial Public Financing Program is a success.

She and other Public Finance Analysts in ELEC's Special Programs Section provide assistance to treasurers, aides and sometimes even candidates who seek information about, or participate in, the program, which provides public funds for gubernatorial candidates who agree to limit their spending.

"We are pretty much their help desk if they have questions," said Kirby.

A lifelong Mercer County resident, Kirby is doing her second "tour of duty" on the support team, most of which works for only two years before a break between elections.

About a year after graduating from college, Kirby was hired for the 2009 gubernatorial campaign, left the agency after the program wound down, and then was rehired again for this year's program.

New Jersey has the nation's oldest public financing program for gubernatorial candidates.

Since 1977, gubernatorial candidates who raise more than a certain threshold- this year, it is \$380,000- can seek public funds. While the first \$122,000 is not eligible for matching funds, candidates can apply for \$2 in public funds for every \$1 they receive from private sources above that amount.

Each candidate is eligible to receive as much as \$3.5 million for the primary election, and \$8.2 million for the general election. However, candidates also must limit their spending to no more than \$5.6 million for the primary election, and \$12.2 million for the general election (there are a few exceptions such as election night expenses).

Candidates who receive public funds face a rigorous review.

Kirby said one of the main jobs of Public Finance Analysts is to thoroughly scrutinize each private contribution that candidates submit for public matching funds. All identifying information, including occupation and employer, must be complete before the candidates can receive matching funds, she added.

Perhaps the biggest difficulty is securing signatures for each contribution. The law requires that if a donor makes, say, five contributions to a candidate, they also must submit five signatures.

"It's probably the one thing that gives us the most angst," said Kirby.

Kirby said when candidates write checks or file "contribution cards," it usually isn't a problem.

But with more people using credit cards to make their contributions, it can be a nuisance for candidates, donors and ELEC staff.

This is the type of issue that might be addressed after the election when the Commission, following a long tradition, will hold a hearing to review the public finance program.

When Kirby isn't at ELEC vetting contributions or assisting campaign staff members, she may be at home landscaping and gardening. She also enjoys arts and crafts, and loves to read everything from "chick lit to science fiction."

After a 12-year dance career that included ballet, jazz, lyrical and tap dancing, she confesses: "I hate exercise but I love things that are disguised as exercise." Other pursuits that qualify include paddle boarding, kayaking and softball.

Kirby is married to her high school sweetheart, Jerry, and has a son, Cameron. Jerry is a certified wine educator who co-owns a farmers market in Hopewell that intends to add a restaurant in the future.

The daughter of a long-time postal worker (father Roger) and microbiologist (mother Claire), she graduated from Rowan University with a bachelor's degree in business administration and marketing.

Training Seminars

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ. Please visit ELEC's website at <http://www.elec.state.nj.us> for more information on training seminar registration.

BUSINESS ENTITY PAY-TO-PLAY TRAINING	
September 23 rd , 2013	10:00 a.m.
November 18 th , 2013	10:00 a.m.

TREASURER TRAINING FOR CANDIDATES AND JOINT CANDIDATES COMMITTEES	
September 10, 2013	10:00 a.m.
September 25, 2013	10:00 a.m.
September 30, 2013	10:00 a.m.

TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS	
September 16, 2013	10:00 a.m.
December 11, 2013	10:00 a.m.

R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING	
July 24, 2013	10:00 a.m.
September 11, 2013	10:00 a.m.
September 19, 2013	10:00 a.m.
October 2, 2013	10:00 a.m.

Lobbying Reporting Dates

LOBBYING QUARTERLY FILING	INCLUSION DATES	ELEC DUE DATE
2 nd Quarter	4/1/13 – 6/30/13	7/10/13
3 rd Quarter	7/1/13 – 9/30/13	10/10/13
4 th Quarter	10/1/13 – 12/31/13	1/10/14

Reporting Dates

INCLUSION DATES		REPORT DUE DATE
Runoff Election** - 6/11/2013		
29-day pre-election	No Report Required for this Period	
11-day pre-election	5/1/13 - 5/28/13	5/31/2013
20-day post-election	5/29/13-6/28/13	7/1/2013
48 Hour Notice Reports Start on 5/29/13 through 6/11/13		
Primary Election*** - 6/4/2013		
29-day pre-election	Inception of campaign* - 5/3/13	5/6/2013
11-day pre-election	5/4/13 - 5/21/13	5/24/2013
20-day post-election	5/22/13 - 6/21/13	6/24/2013
48 Hour Notice Reports Start on 5/22/13 through 6/4/13		
90 Day Start Date: 3/6/13		
General Election*** - 11/5/2013		
29-day pre-election	6/22/13 - 10/4/13	10/7/2013
11-day pre-election	10/5/13 - 10/22/13	10/25/2013
20-day post-election	10/23/13 - 11/22/13	11/25/2013
48 Hour Notice Reports Start on 10/23/13 through 11/5/13		
90 Day Start Date: 8/7/13		
Runoff Election** - 12/3/2013		
29-day pre-election	No Report Required for this Period	
11-day pre-election	10/23/13 - 11/19/13	11/22/2013
20-day post-election	11/20/13 - 12/20/13	12/23/2013
48 Hour Notice Reports Start on 11/20/13 through 12/3/13		
PACs, PCFRs & Campaign Quarterly Filers		
1 st Quarter	1/1/13 - 3/31/13	4/15/2013
2 nd Quarter	4/1/13 - 6/30/13	7/15/2013
3 rd Quarter	7/1/13 - 9/30/13	10/15/2013
4 th Quarter	10/1/13 - 12/31/13	1/15/2014

* Inception Date of Campaign (first time filers) or from January 1, 2013 (Quarterly filers).

** A candidate committee or joint candidates committee that is filing in a 2013 Runoff election is not required to file a 20-day post-election report for the corresponding prior election (May Municipal or General).

*** Form PFD-1 is due on April 11, 2013 for Primary Election Candidates and June 14, 2013 for Independent General Election Candidates.

**** A second quarter report is needed by Independent General Election candidates if they started their campaign before May 7, 2013