



# ELEC-TRONIC

An Election law Enforcement Commission Newsletter

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**"Furthering the Interest of an Informed Citizenry"**

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## **Website:**

[www.elec.state.nj.us](http://www.elec.state.nj.us)

## **Comments from the Chairman Ronald DeFilippis**

The New Jersey Election Law Enforcement Commission, including members and staff, has maintained from the beginning a reputation for integrity.

Part of the reason is its strict Code of Ethics, which has been adhered to by those affiliated with the Commission, past and present.

So, in the public interest, I want to use this column to outline some of the main points of the Commission's code, which is even stronger than the very strict code that applies to all employees of the Executive Branch.

After highlighting the important functions of the Commission, the Foreword to the Code of Ethics holds that "It is important that the work of the Commissioners and of the staff of the Commission be, and be publicly perceived to be, free from partisan influence and from conflicts of interests."

With regard to the Commission's Legal Counsel, Legal Director, and Legal staff, the code requires that attorneys conduct themselves in accordance with the duties and obligations imposed by the New Jersey Rules of Professional Conduct and other court rules and directives or laws governing the conduct of attorneys.

Regarding staff attorneys, unless they represent their spouse, domestic partner, partner in a civil union, children, or parents, they are not permitted to represent any other party than the Commission.

In representing the above personal family members, there can be no compensation involved and permission must be granted by the Ethics Liaison Officer.

Moreover, permission to represent an individual in a criminal matter, before a State regulatory body, where the State has an interest, or when the matter is prohibited by the Conflicts of Interest Law, will not be granted.

The Code of Ethics is very stringent when it comes to political activity on the part of any Commissioner or employee.

In restricting political activity, the code prevents members and staff from:

1. Acting as a leader or holding any office in a political organization;
2. Making speeches for a political organization or candidate or publicly endorsing a candidate for public office;
3. Attending political functions or functions which are likely to be reasonably considered to be partisan in nature;
4. Soliciting funds or making a contribution to a political organization or candidate (Commissioner's may contribute at the federal level);
5. Allowing the use of the home by the spouse of the Commissioner or employee for political meeting; or
6. Allowing the use of joint assets for political contributions by the spouse of the Commissioner or employee, except that the spouse may contribute from separate assets solely his or her own.

Further, Commissioners and employees are prohibited from acting in any official capacity in any matter wherein his or her spouse, child, parent or sibling has a financial or employment interest in any political activity that would be reasonably expected to impair his or her objectivity or independence of judgment.

Finally, Commissioners and staff are prevented from engaging in any business, profession, trade or occupation, which is subject to regulation by the Commission.

The strict adherence to these guidelines through the years has contributed to the Commission's reputation as a national leader in the field of campaign finance regulation and ethics.

## Executive Director's Thoughts Jeff Brindle

### LEGISLATIVE REFORMS NOW COULD MEAN STRONGER PARTIES LATER

Reprinted from politickerni.com

Without legislative reforms, New Jersey's once strong political party system will be relegated to an afterthought.

County party organizations raised only \$2.6 million during the first six months of 2015, a figure lower than any of the last three legislative election years.

This follows a trend noticeable since 2006, when Pay-to-Play restrictions took effect and when special interest PACs and independent groups began to spend more money following the McCain/Feingold reforms of 2002.

Recently, another analysis by the Election Law Enforcement Commission showed a similar fate befalling state party committees and legislative leadership committees.

Comparing the first two quarters of 2007 to those of 2015, fundraising by these party entities dropped from \$5.8 million to \$2.5 million.

The downward trend of political party potency is alarmingly reminiscent of the 1980's, when political parties were enfeebled to the point of irrelevancy.

In 1986, for example, total receipts by county party committees amounted to \$2 million, which in inflation adjusted dollars would amount to \$4.4 million in 2015.

County party organizations today, as well as the state party entities, appear to be in worse shape than 30 years ago when political scientist Maureen Moakly wrote that they were "relegated . . . to a minor role in the state wide political process."

The decline in party strength in the 1980's was attributed to a number of factors.

The late Rutgers University scholar Stephen A. Salmore cited “social and demographic changes” such as suburbanization as “important determinants in the weakening of the strong party system in New Jersey.”

Other developments such as reapportionment decisions of the late 1960’s and early 1970’s, the introduction of the gubernatorial public financing program in 1977, and the 1981 open primary law which denied party organizations the ability to endorse candidates, all contributed to the weak party system of the 1980’s.

While not the same, developments during the first decade of the 21st century have contributed to the current decline of New Jersey’s party system in 2015.

These developments include the Bi-Partisan Campaign Reform Act (BCRA), or McCain/Feingold, that redirected the flow of money away from national political parties to independent groups.

Starting at the national level, the growth in independent groups has trickled down to the state and even local level, siphoning off money from the parties.

The trend toward independent outside group influence was facilitated by the U.S. Supreme Court decision in Citizens United in 2010, which allowed unlimited independent spending by corporations and unions while endorsing strong disclosure laws for independent spenders.

Perhaps the most influential development that has contributed to a weakened party system, though well intended, was the enactment of a complicated Pay-to-Play law in New Jersey in 2006.

In combination with McCain/Feingold and Citizens United, the law has brought about a surge in special interest PAC and independent group spending that is far outstripping the political parties.

During the 2013 gubernatorial and legislative elections independent groups spent \$41 million compared with \$14 million by political parties.

While the situation may seem bleak to advocates of a strong party system, it is not too late to turn the tide.

It happened once before, starting in 1985 with a New Jersey Supreme Court decision in Friends of Governor Tom Kean v ELEC. The decision stressed the importance of local candidates being able to associate with their gubernatorial candidate under the party label.

Then, in 1989, a United States Supreme Court decision involving the San Francisco County Democratic Central Committee found California’s Open Primary Law unconstitutional.

The landmark ruling invalidated New Jersey’s Open Primary Law. Once again, party organizations were allowed to endorse and give the party line to candidates in the June contest.

Finally, and most importantly, 1993 reforms adopted by the Legislature in response to recommendations by a Commission headed by the late Rutgers Professor Alan Rosenthal greatly invigorated the parties. For the first time, those changes imposed contribution limits on candidates, PACs, and parties, but provided parties with much more generous limits than those placed on candidates and PACs.

Further, political parties were allowed to spend unlimited amounts of money on their candidates, something special interest PACs were not allowed to do unless they spent independently.

Legislative leadership committees, another party entity, were also created.

As a result, between 1986 and 1995, county party financial activity, for instance, grew by 370 percent, from \$2 million to \$10.1 million.

History can repeat itself. The political party system in New Jersey can be revived as it was in the 1990’s, to the benefit of the political process.

State law, under Title 19- Elections, sets forth standards for the establishment of political parties and provides general guidelines in terms of their powers, the organization of political parties, and their membership. It also sets forth disclosure requirements under the Campaign Act as well as other restrictions, including contribution limitations on contributions to political parties.

Now that independent groups are spending more than parties and undertaking many of their traditional roles, they should be made to publicly disclose their contributions and expenses just like parties, candidate and PACs. This change would not limit their spending.

Secondly, the Pay-to-Play law should be amended to curtail contractor contributions to PACs while increasing the amount contractors can give to political parties. Contractors should be able to give more money to parties than the current limit of \$300. Parties are more tightly regulated, more permanent and more accountable than PACs.

This change would end recent efforts by some contractors to get around Pay-to-Play laws by giving more money to independent groups and PACs.

Finally, contribution limits applicable to parties and to candidates should be increased somewhat.

These reforms, if enacted, would bring balance back to the electoral process by strengthening political parties and offset the growing influence of special interests groups.

## **REMEMBERING JUDGE AMOS C. SAUNDERS**

Amos C. Saunders, a longtime member of the New Jersey Election Law Enforcement Commission and a retired Superior Court judge, died at his Totowa home on Sunday, August 16, 2015.

The 81-year-old commissioner died after a long battle with asbestos-related lung cancer. He was appointed by Governor Jon Corzine in June 2008 and reappointed by Governor Chris Christie in September 2010. Despite his illness, he participated in commission meetings via conference calls for much of the past year and even took part in the July 15, 2015 meeting.

"Having known Judge Saunders has truly been a privilege," said Jeff Brindle, ELEC's Executive Director. "His commitment to serving the public and his love of his family will always been an inspiration to me."

Brindle added: "He was impartial, had great common sense and good humor, and courageously continued his role as commissioner until his final days. His death is a great loss for the Commission."

During his 23-year tenure on the bench in Passaic County, Judge Saunders, a Republican, won wide respect.

He was born in Paterson, N.J., and raised in Fair Lawn, N.J., and practiced law there as a partner in the firm of Dobrin, Muscarella, Saunders and Bochet before being appointed to the judiciary in 1977 by Governor Brendan T. Byrne. He served in every division of the Superior Court before being named as Passaic County's Chancery Judge handling general equity matters.

Judge Saunders handled some of the most difficult and high profile cases in Passaic County history, including right-to-die cases, the murder trial of Paterson funeral director E. Lee White, and the guardianship of an anorexic teenager.

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

He loved to play golf, fish, and travel. Judge Saunders married his high school sweetheart, Janet Botbyl, in 1955, and they had three children. His oldest son, Amos Jr., died from leukemia in 1982. Judge Saunders is survived by his wife, Janet; son, Richard and his wife, Florence; his daughter, Pamela, and three grandchildren, Christopher and Matthew Brighton, and Abigail Saunders.

Judge Saunders received his B.A. from Hampden-Sydney College and his J.D. from Columbia University Law School.

## **NJ LOBBYING DISCLOSURE PRAISED IN NATIONAL SURVEY**

New Jersey is one of seven states nationally that recently received top grades for having laws that require lobbyists to broadly disclose their activities.

A new study by the Sunlight Foundation included New Jersey among a small group that received an "A" grade due to their extensive disclosure laws.

The other states included California, Massachusetts, New York, North Carolina, South Carolina and Wisconsin. Among states that neighbor New Jersey (aside from New York), Delaware received a "B" grade while Pennsylvania received a "C" grade.

Four states received a rating of "F"- Florida, Nevada, Oregon, and West Virginia.

"New Jersey has some of the strongest laws in the nation when it comes to disclosure by lobbyists," said Jeff Brindle, ELEC's Executive Director and an author of several proposals adopted by the Legislature in recent years that expanded disclosure requirements.

"Lobbying is a Constitutionally protected activity and a valuable part of our democracy. But that doesn't mean citizens aren't entitled to know about the activities of lobbyists," said Brindle.

More than 900 lobbyists in New Jersey spent more than \$58 million in 2014, according to analysis by New Jersey Election Law Enforcement Commission (ELEC) [http://www.elec.state.nj.us/pdffiles/press\\_releases/pr\\_2015/pr\\_03052015\\_a.pdf](http://www.elec.state.nj.us/pdffiles/press_releases/pr_2015/pr_03052015_a.pdf)

Under state law, all registered lobbyists must file quarterly and annual reports with ELEC. Quarterly lobbying reports indicate what legislation or administrative proposals have prompted a lobbyist to make contact with state officials.

In their annual reports, New Jersey lobbyists disclose salaries, communications expenses, lists of clients and their fees, and other information related to their work in New Jersey.

New Jersey fared well because its laws require lobbyists to regularly detail their efforts to influence legislators and administration officials, report their expenditures, and to disclosure their compensation.

New Jersey also was singled out for requiring lobbyists to disclose any public appointments they hold. "It's nice to see states actively disclose potential conflicts of interest," said the analysis.

For more details on the Sunlight Foundation comparison, go to the following website:

<http://sunlightfoundation.com/blog/2015/08/12/how-transparent-is-your-states-lobbying-disclosure/>.

## **Training Seminars and Lobbying Reporting Dates**

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 [www.elec.state.nj.us](http://www.elec.state.nj.us) for more information on training seminar registration.

<b>PAY-TO-PLAY</b>		
September 18, 2015	10:00 a.m.	
November 16, 2015	2:00 p.m.	
<b>TREASURER TRAINING FOR CANDIDATES AND JOINT CANDIDATES COMMITTEES</b>		
September 17, 2015	10:00 a.m.	
September 29, 2015	10:00 a.m.	
<b>TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS</b>		
September 15, 2015	10:00 a.m.	
December 16, 2015	10:00 a.m.	
<b>R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING</b>		
September 24, 2015	10:00 a.m.	
September 30, 2015	10:00 a.m.	
<b>LOBBYING REPORTING DATES</b>		
Quarterly Filing	Inclusion Dates	ELEC Due Date
3 <sup>rd</sup> Quarter	7/1/2015 - 9/30/2015	10/13/ 2015
4 <sup>th</sup> Quarter	10/1/2015-12/31/2015	1/11/2016

## 2015 REPORTING DATES

	<i>Inclusion Dates</i>	<i>Report Due Date</i>
<b>Fire Commissioner - 2/21/2015</b>		
29-day pre-election	Inception of campaign* - 1/20/15	1/23/2015
11-day pre-election	1/21/15 - 2/7/15	2/10/2015
20-day post-election	2/8/15 - 3/10/15	3/13/2015
48 Hour Notice Reports Start on 2/8/2015 through 2/21/2015		
<b>School Board Election - 4/21/2015</b>		
29-day pre-election	Inception of campaign* - 3/20/15	3/23/2015
11-day pre-election	3/21/15 - 4/7/15	4/10/2015
20-day post-election	4/8/15 - 5/8/15	5/11/2015
48 Hour Notice Reports Start on 4/8/2015 through 4/21/2015		
<b>May Municipal Election - 5/12/2015</b>		
29-day pre-election	Inception of campaign* - 4/10/15	4/13/2015
11-day pre-election	4/11/15 - 4/28/15	5/1/2015
20-day post-election	4/29/15 - 5/29/15	6/1/2015
48 Hour Notice Reports Start on 4/29/2015 through 5/12/2015		
<b>Runoff (June)** - 6/9/2015</b>		
29-day pre-election	No Report Required for this Period	
11-day pre-election	4/29/15 - 5/26/15	5/29/2015
20-day post-election	5/27/15-6/26/15	6/29/2015
48 Hour Notice Reports Start on 5/27/2015 through 6/9/2015		
<b>Primary Election*** - 6/2/2015</b>		
29-day pre-election	Inception of campaign* - 5/1/15	5/4/2015
11-day pre-election	5/2/15 - 5/19/15	5/22/2015
20-day post-election	5/20/15 - 6/19/15	6/22/2015
48 Hour Notice Reports Start on 5/20/2015 through 6/2/2015		
90 Day Start Date: 3/4/2015		
<b>General Election*** - 11/3/2015</b>		
29-day pre-election	6/20/15 - 10/2/15	10/5/2015
11-day pre-election	10/3/15 - 10/20/15	10/23/2015
20-day post-election	10/21/15 - 11/20/15	11/23/2015
48 Hour Notice Reports Start on 10/21/2015 through 11/3/2015		
<b>Runoff (December)** - 12/8/2015</b>		
29-day pre-election	No Report Required for this Period	
11-day pre-election	10/21/15 - 11/24/15	11/27/2015
20-day post-election	11/25/15 - 12/25/15	12/28/2015
48 Hour Notice Reports Start on 11/25/2015 through 12/8/2015		
<b>PACs, PCFRs &amp; Campaign Quarterly Filers</b>		
1 <sup>st</sup> Quarter	1/1/15 - 3/31/15	4/15/2015
2 <sup>nd</sup> Quarter****	4/1/15 - 6/30/15	7/15/2015
3 <sup>rd</sup> Quarter	7/1/15 - 9/30/15	10/15/2015
4 <sup>th</sup> Quarter	10/1/15 - 12/31/15	1/15/2016

\* Inception Date of Campaign (first time filers) or from January 1, 2015 (Quarterly filers).

\*\* A candidate committee or joint candidates committee that is filing in a 2015 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 9, 2015 for Primary Election Candidates and June 12, 2015 for Independent General Election Candidates.

\*\*\*\* A second quarter report is needed by Independent/Non-Partisan General Election candidates if they started their campaign before 5/5/2015.