



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
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Legal Director

EVELYN FORD
Compliance Director

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Legal Counsel

PUBLIC SESSION MINUTES

October 20, 2009

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, Legal Counsel Wyse, and Senior Staff were present.

The meeting convened at 11:00 a.m. in Trenton.

1. Open Public Meetings Statement

Chair English called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps.

2. Approval of Public Session Minutes of September 15, 2009

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission approved the Public Session Minutes of September 15, 2009, as amended by Chair English.

3. Executive Director's Report

A. Executive Order #41 (Governmental Ethics Training)

Executive Director Brindle reminded the Commissioners of the importance of Executive Order #41, which mandates an on-line ethics training of approximately 40 minutes duration for all board and commission members of State authorities, and must be completed by November 6, 2009. The Executive Director added that staff would be available to assist with this task and that he was required to submit a certification of training to the Authorities Unit by November 20, 2009.

B. Withdrawal of The Star-Ledger (Newark) from Debate Sponsorship

Executive Director Brindle informed the Commission of the withdrawal of The Star-Ledger (Newark) from sponsorship of the October 16, 2009 gubernatorial debate at William Paterson University.

Public Session Minutes

October 20, 2009

Page 2

The Executive Director explained that The Star-Ledger's endorsement of a candidate before the debate violated Commission regulations established for debate sponsors. Executive Director Brindle related his conversation with a representative of The Star-Ledger prior to withdrawal. A copy of the withdrawal letter from William Paterson University is attached.

C. Trends in Receipts and Expenditures: 29-day Pre-election Gubernatorial and Assembly Reports, October 15 "Big Six" Quarterly Reports

Executive Director Brindle summarized receipts and expenditure information from gubernatorial and Assembly 29-day pre-election reports. The Executive Director reported that gubernatorial candidates raised \$27.5 million, a decline of 10 percent from the same election period in 2005, and spent \$23.1 million, a decline of 20 percent from 2005. The Executive Director reported that Assembly candidates raised \$9.7 million, a decline of 21 percent from the same election period four years ago, and spent \$5.2 million, a decline of 19 percent from 2005.

Executive Director Brindle summarized receipts and expenditure information from the "big six" (the State political party committees and Legislative Leadership Committees) third quarter (October 15) reports. The Executive Director reported that the "big six" committees raised \$8.1 million, a decline of 44 percent from the same reporting period in 2005, and spent \$5 million, a decline of 43 percent from 2005.

Executive Director Brindle noted that in previous years, the Commission issued an announcement that Gubernatorial and Assembly information was available on-line. He said that a new initiative involving pre-election press releases, which provide snap-shot analyses of current financial trends, was undertaken. He said they have proven useful for the press and general public. The Executive Director reported positive feedback from members of the press regarding the new analytical press releases.

Executive Director Brindle suggested that the decline in receipts and expenditures between 2005 and 2009 was caused by a combination of an underperforming economy, "Pay-to-Play" laws, and for Assembly contests, diversion of funds to the Gubernatorial contest.

The Executive Director expressed his gratitude to Director of Information Technology Carol Neiman and Compliance Director Evelyn Ford for their work in analysis and preparation of reports. He said that Elbia Zeppetelli and Maureen Tilbury were very helpful as well.

Commissioner Saunders commented on the increased ease with which the press was now able to access receipt and expenditure information.

Chair English recollected how much more time analysis of data took in previous years.

At this juncture, Mr. Ron Gravino, representing the Christie Campaign, thanked the Commission for issuing the press releases analyzing the financing of the various campaigns, stating that they were very helpful.

D. Sunset Regulations

Executive Director Brindle provided a summary of the process of renewing sunset regulations. The Executive Director anticipated that proposed regulations would be ready by the November 17, 2009 meeting.

Legal Director Carol Hoekje added that a public hearing for proposed regulations will be held in February or March, and anticipated adoption by May, 2010.

E. Public Financing Program - Public Hearing

Executive Director Brindle informed the Commission of the Public Financing Program public hearing scheduled to take place in March, 2010. The Executive Director added that notice of the public hearing would be published in the New Jersey Register, and outreach would be made to the New Jersey Law Journal concerning advertising and press advisories.

F. Secretary of State Nina Mitchell Wells - Initiative

Executive Director Brindle introduced a new joint initiative facilitated by the Commission and Secretary of State Nina Mitchell Wells. The Executive Director reported that this initiative involves cooperation between the Division of Elections and the Commission to streamline the processing of candidate petitions. Executive Director Brindle explained that this improved system will provide the Commission with access to the Division of Election's candidate database, and allows for the electronic production of labels and candidate lists.

Chair English asked if this new system would encompass the whole range of candidates.

Executive Director Brindle replied that the system applied to gubernatorial and legislative candidates for the moment, but that the Department of Elections was working with county clerks in order to bring additional categories of candidates into the system.

G. Candidate/Treasurer Training Sessions

At this juncture, Chair English complimented Senior Compliance Officer Kim Key and Compliance Officer Danielle Hacker for their efforts in facilitating the six candidate and treasurer training sessions provided by the Commission in September 2009.

Executive Director Brindle expressed a desire for additional field sessions in the future.

H. Emily's List v. Federal Election Commission

Executive Director Brindle advised the Commission on the decision in Emily's List v. Federal Election Commission, rendered by the United States Court of Appeals for the District of Columbia Circuit on September 18, 2009. The Executive Director informed the

Commission of the court's ruling that independent expenditures by non-profit "527" organizations cannot be restricted. He suggested that this action foreshadowed the decision expected in the current U.S. Supreme Court case Citizens United v. Federal Election Commission, and reflected a general trend towards loosening restrictions on corporate and union independent expenditures.

I. Winter Meeting Schedule

- November 17, 2009 at 11:00 a.m. in Trenton and,
- December 15, 2009 at 11:00 a.m. in Trenton.

4. 2009 Gubernatorial Public Financing Program Update

P2009 - Steven Lonegan -Submissions 21 through 23

Special Programs Director Amy Davis reported that on September 15, 2009, Candidate Steven Lonegan filed Submission 21 containing \$53,736.75 in contributions submitted for match. She stated that staff completed its review and issued public funds totaling \$44,137.72. Director Davis reported that on September 29, 2009, staff received Submission 22 that contained \$22,437.46 in contributions submitted for match. She stated that staff completed its review and issued public matching funds totaling \$74,466.64. Director Davis reported that on October 13, 2009, staff received Submission 23 that contained \$37,910.15 in contributions submitted for match. According to Director Davis, staff completed its review and issued public matching funds totaling \$37,526.92.

G2009 - Chris Christie -Submissions 6 through 10

Director Davis reported that on September 15, 2009, Candidate Chris Christie filed Submission 6 containing \$356,196.87 in contributions submitted for match. She stated that staff completed its review and issued \$680,817.74 in public matching funds. Director Davis reported that on September 22, 2009, staff received Submission 7 from Candidate Christie totaling \$420,250 in contributions submitted for match. Furthermore, Director Davis stated that staff completed its review and issued \$805,742 in public matching funds. Director Davis reported that on September 29, 2009 staff received Candidate Christie's Submission 8 totaling \$338,819 in contributions submitted for match. She stated that staff completed its review and issued \$646,938 in public matching funds. Director Davis reported that on October 6, 2009, staff received Candidate Christie Submission 9 totaling \$239,391 in contributions for match. She added that staff completed its review and issued \$414,468 in public matching funds. Director Davis reported that on October 13, 2009, staff received Submission 10 that contained \$284,885 in contributions submitted for match. She stated that staff completed its review and issued public matching funds totaling \$394,338.70. Director Davis noted that Candidate Christie has now received the maximum amount of public funds for the 2009 general election, \$7.3 million.

Chris Daggett G2009-Submissions 5 through 8

Director Davis reported that on September 15, 2009, Candidate Chris Daggett filed Submission 5 totaling \$16,175 in contributions for match. She stated that staff completed its review and issued \$31,130 in public matching funds. Director Davis reported that on September 29, 2009, staff received Candidate Daggett's Submission 6 totaling \$23,196 in contributions for match. She stated that staff completed its review and issued \$34,740 in public matching funds. Director Davis reported that on October 6, 2009, staff received Candidate Daggett's Submission 7 totaling \$24,945 in contributions submitted for match. She stated that staff completed its review and issued \$46,278 in public matching funds. Director Davis stated that on October 13, 2009, staff received Candidate Daggett's Submission 8 totaling \$21,733.33 in contributions submitted for match. Additionally, she stated that staff completed its review and issued \$40,732 in public matching funds.

Director Davis indicated that staff will report to the Commission at its next meeting on November 17th on the status of any submissions received and public funds disbursed.

Chair English complimented Director Davis on efficiency in processing submissions. The Chair asked if submission data was generally of high quality.

Director Davis replied that submission data was usually good.

Chair English praised the training provided by Commission staff as an aid in encouraging quality reports from candidates. The Chair noted the importance of adequate staff numbers in this effort.

Mr. Ron Gravino, representing the Christie Campaign, expressed gratitude to the Commission for assistance in compliance and public financing matters, as well as patience for his questions. Mr. Gravino also wished to express gratitude on behalf of Candidate Christie. He suggested that the Commission include cash-on-hand in future releases.

5. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss anticipated litigation, which will become public as follows:

- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public not later than seven business days after mailing to the named respondents.
- B. Investigative Reports of possible violations, which reports will not become public. However, any complaint generated as the result of an Investigative Report will become public not later than seven business days after mailing to the named respondents.

Public Session Minutes

October 20, 2009

Page 6

6. Adjournment

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission voted to adjourn at 12:45 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz