



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Chairman

WALTER F. TIMPONE
Vice Chairman

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Legal Counsel

PUBLIC SESSION MINUTES

December 20, 2011

Chairman DeFilippis, Vice Chairman Timpone, and senior staff were present. Director of Review and Investigation Shreve Marshall was also present. Report Review Officer Lovinsky Joseph was present for the purpose of recording the minutes. Commissioner Saunders and Legal Counsel Baron were absent.

The Public Session Minutes will be available online in the Commission's website at: <http://www.elec.state.nj.us>.

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

1. Open Public Meetings Statement

Chairman DeFilippis 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. It was also posted on the Commission's website.

Chairman DeFilippis asked if the Commission would be able to vote on items with only two members present.

Executive Director Brindle replied in the affirmative. He noted an Attorney General opinion providing that in the absence of statutory directive to the contrary, the Commission could vote on agenda items as long as there was a majority of the actual number of Commissioners present.

Legal Director Hoekje noted that the Commissioners would not be able to vote on final decisions.

2. Approval of Public Session Minutes of November 15, 2011

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission approved the Public Session Minutes of November 15, 2011.

3. Executive Director's Report

A. Training Seminars

Executive Director Brindle informed the Commissioners of upcoming training sessions for 2012. He stated that there would be seven campaign treasurer training sessions from March through October, four CPC treasurer training sessions from March to December, six electronic filing sessions from March to October, and six lobbying electronic filing sessions from December 2011 through February 7, 2012.

B. Analytical Press Releases

The Executive Director reported that the Commission had issued an analytical press release relevant to the 20-day postelection reporting period for Legislative candidates in the 2011 general election. He stated that committees raised a total of \$45.2 million, a decrease of 10 percent from 2007, and spent \$27.8 million, a decrease of 12 percent from 2007.

Executive Director Brindle further reported that incumbents spent 71 percent of funds compared to 29 percent spent by challengers, a significant change from the usual 60/40 distribution of funds between incumbents and challengers. He stated that Democratic candidates accounted for 70 percent of funds, and Republicans 30 percent. The Executive Director noted that the reelection rate for incumbents was 99 percent.

Executive Director Brindle informed the Commissioners that the Commission planned to release future analytical press releases relevant to lobbyist financial activity in February, and pay-to-play in April.

C. Video Training for Treasurers

The Executive Director reported that staff anticipates having the new interactive electronic treasurer training module ready during the first quarter of 2012.

D. ICLE Presentation

Executive Director Brindle stated that Compliance Director Amy Davis had given a presentation concerning lobbying regulation before the Institute for Continuing Legal Education on December 5. He noted that approximately 90 people attended, and that the presentation was well received.

E. Federal Cases

The Executive Director informed the Commissioners of the decision rendered by the Seventh Circuit Court of Appeals in the case of Wisconsin Right to Life v. Barland on December 12. He reported that the Court echoed the decision rendered in Speech Now v. FEC by striking down a Wisconsin state law limiting contributions to independent PACs.

Executive Director Brindle stated that this decision would not affect the New Jersey's statutes as it only referred to PACs making independent expenditures, and that the Commission did not have similar regulations. He added that the Commission must remain vigilant in order to prevent conflicts with future federal decisions.

F. Lobbyist Annual Financial Report Electronic Filing

The Executive Director reported that the Commission had met the target established in January 2010 to have complete electronic filing for Lobbyist Annual Financial Reports within a year with a month to spare. He stated that electronic filing would make reports easier to process, easier to analyze, and allow greater access to the public.

Executive Director Brindle recognized the following Information Technology (IT) Section members for their work in completing the project: Director of Information Technology Carol Neiman, Associate Systems Administrator Anthony Giancarli, Assistant Computer Technician Ken Colandrea, Associate Director of Information Technology Kim Roman, Assistant Software Engineer Aydan Altan, and Principal Webmaster Maryanne Garcia. He also recognized Compliance Director Amy Davis and Director of Lobbying Linda White for assisting in testing the new system and providing input.

At this juncture, Director Neiman and Assistant Computer Technician Colandrea began a projection presentation of the new lobbying electronic filing system.

Director Neiman announced that the IT section was proud to present the completed lobbying electronic filing system to the Commissioners, and stated that much work had been put into its development. She displayed the lobbying portal on the Commission's website, which contained instructions and registration information.

Director Neiman then directed the Commissioners' attention to the Adobe PDF forms developed by Assistant Computer Technician Colandrea, and demonstrated how the forms can be filled electronically, calculate sums automatically, and will automatically duplicate entries that must be reported more than once, responding to a criticism often made by filers.

The Director demonstrated the method for electronically signing the form, which consists of submitting the registration number and a PIN, and security features created to minimize premature submission, such as a secondary confirmation page. She stated that submitted reports would be received by the Compliance staff and coded, the PDF format facilitating the process.

Director Neiman showed the Commissioners a completed and submitted sample report as it would appear to the general public, and noted that the Compliance staff had sent letters out to all lobbyists informing them that electronic filing was available, and the Commission was ready to receive reports.

The Director thanked the IT staff for its work in completing this project, and recognized Associate Systems Administrator Giancarli for his role as project manager; Assistant Computer Technician Colandrea for his work in developing the forms; Associate Director Roman in handling delegated tasks; Principal Webmaster Garcia for her work as webmaster and creating the online portal for the new filing system; Assistant Software Engineer Altan for completing the necessary coding; Executive Software Engineer Brian Robbins for his great assistance; the Data Entry staff for their work to input the names of lobbyists into the new system; and Compliance Director Davis for reviewing the system and providing proofreading and suggestions.

Vice Chairman Timpone and Chairman DeFilippis praised the new system as well-done and professional.

Vice Chairman Timpone asked if the system would be ready for February.

Director Neiman replied in the affirmative. She noted that there would soon be training sessions for lobbying electronic filing, and stated that the system was intuitive and easy to use. The director reported that an outside consulting firm helped with system development.

Chairman DeFilippis inquired as to how many lobbyists were registered with the Commission.

Executive Director Brindle replied that there were approximately 1,000.

The Chairman asked if staff was ready for the next filing.

Director Neiman replied in the affirmative. She added that summary spreadsheets were available online.

Vice Chairman Timpone and Chairman DeFilippis congratulated the IT staff on the quality of the new lobbyist electronic filing program.

The Chairman inquired as to what forms may currently be filed electronically.

Director Neiman stated that lobbyist annual reports, short forms such as Form A-1, D-1, D-2 and C-1, the long-form R-1, and pay-to-play disclosure forms could be filed electronically. She noted that electronic filing of Form R-1 was required for certain committees, legislative and gubernatorial, that raise or spend over \$100,000.

The Chairman asked if the "Big Six" state political party and legislative leadership committees were required to file electronically.

Director Neiman replied that they were not at the moment, though that would occur in the future. She noted that the Commission's legacy software needed to be updated.

Chairman DeFilippis asked for additional explanation.

Director Neiman stated that the Electrack system uses an Oracle database written in older VB6 programming language. She reported that during the last update, a year was required to rewrite the database to keep up with current demands.

The Chairman asked if any other states had a campaign finance regulation agency with similar practices to the Commission.

Director Neiman replied that the most similar was Washington State, but noted that their regulation structure was divided into local county and city jurisdictions.

Director Neiman stated that the Commission likely had the best existing practices.

Chairman DeFilippis thanked Director Neiman for her work.

G. Winter Meeting Schedule

- January 17, 2012 at 11:00 a.m. in Trenton;
- February 21, 2012 at 11:00 a.m. in Trenton; and,
- March 20, 2012 at 11:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to go into Executive Session to discuss anticipated litigation, which will become public as follows:

- A. Final Decision Recommendations in complaint 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. A report on requests from the public for investigations of possible violations, which report will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.
- C. 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.

Return to Public Session

5. Adjournment

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to adjourn at 12:50 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz