



State of New Jersey

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

Respond to:
P.O. Box 185
Trenton, New Jersey 08625-0185

(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

Website: <http://www.elec.state.nj.us/>

JEFFREY M. BRINDLE
Executive Director

JOSEPH W. DONOHUE
Deputy Director

CAROL L. HOEKJE
Legal Director

AMY F. DAVIS
Compliance Director

JAMES P. WYSE
Legal Counsel

PUBLIC SESSION MINUTES

March 20, 2012

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Legal Counsel Wyse, 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.

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.

2. Approval of Public Session Minutes of February 21, 2012

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission approved the Public Session Minutes of February 21, 2012 as amended by Commissioner Saunders.

3. Executive Director's Report

A. Budget

Executive Director Brindle informed the Commissioners that the Commission had been allocated \$4.254 million for Fiscal Year 2013. He reported that \$6.2 million had been budgeted for the Public Financing Program, with \$480,000 for administration and five temporary staff to be employed for a period of two years. The Executive Director noted that

language in the Public Financing regulation allowed for additional appropriations if the initial \$6.2 million is insufficient.

B. Analytical Press Release – Lobbyist Annual Financial Reports

The Executive Director reported that the analytical press release recently issued with regard to the Lobbyist Annual Financial Reports had been well received. He stated that a record \$73 million had been spent by lobbyists in 2011, representing an 11 percent increase from the 2010 total. Executive Director Brindle informed the Commissioners that this increase was driven primarily by a large outlay in mass communications, which totaled \$15.2 million in 2011. He further reported that increased grassroots activism was driving up costs.

The Executive Director informed the Commissioners that benefit passing had decreased significantly to under \$5,000, an all-time low, and cited increased public scrutiny as well as a gift ban as contributing to this trend.

Executive Director Brindle recognized Deputy Director Joseph Donohue, Compliance Director Amy Davis, Director of Lobbying Linda White, Director of Information Technology Carol Neiman, Data Entry Supervisor Brenda Brickhouse, Assistant Data Entry Supervisor Darlene Kozlowski, and Administrative Assistant Elbia Zeppetelli for their work in preparing the analytical press release.

C. Lobbyist Annual Financial Reports Available Online

The Executive Director informed the Commissioners that the Lobbyist Annual Financial Reports were for the first time available online simultaneously with the analytical report.

D. Lobbyist Quarterly Reports Available Online

Executive Director Brindle reported that lobbyist quarterly reports were now available online for the first time. He recognized Associate Compliance Officer Titus Kamal for performing the work of scanning reports into the system.

E. Pay-to-Play Analytical Press Release

The Executive Director informed the Commissioners that an analytical press release relevant to corporate and business pay-to-play reporting would be issued on April 5th.

F. Treasurer Training

Executive Director Brindle reported that the Commission will hold 17 sessions for campaign committees, political party committees, and electronic filing throughout the year. He noted that the Middlesex County Democratic Organization has requested an offsite training session.

G. State Ethics Commission Filings

The Executive Director reminded Commissioners and Directors that annual financial disclosure forms are to be filed with the Ethics Commission by May 15.

H. Meetings with Legislative and Executive Staff

Executive Director Brindle reported that over the past one-and-a-half months, he, and Deputy Director Donohue have held a series of meetings with different legislators and the Governor's counsel to bring attention to the Commission's staffing and computer needs. He also informed legislators of the Commission's recommendation for legislation mandating disclosure from outside groups, citing their increased profile in recent elections and the upholding of disclosure in the Citizens United case.

The Executive Director stated that he had received a positive response, but without any explicit commitment at the moment. He noted that a bill requiring disclosure from outside groups was currently being drafted in the Legislature.

I. Public Integrity Report

Executive Director Brindle informed the Commission of the report released by the Center for Public Integrity, a nonprofit public policy and ethics organization, naming New Jersey first for transparency and accountability among state governments. He noted that the Commission's well-regarded lobbying disclosure helped produce such a high ranking. The Executive Director stated that a higher political finance rating could have been achieved if the Commission had disclosure for outside groups.

J. Court Decisions

Executive Director Brindle reported on federal and state cases relevant to campaign finance. He informed the Commissioners that the Republican National Committee was challenging the federal ban on direct corporate contributions to candidates and political parties, on the basis that the ban is unfair to parties and gives an advantage to outside groups.

The Executive Director also reported on the decision rendered by U.S. District Judge Marvin Aspen of the Northern District of Illinois in the case of Personal PAC v. Illinois Board of Elections, in which a state law limiting the amount an independent PAC could raise and limiting individuals to one PAC was ruled unconstitutional.

Executive Director Brindle informed the Commissioners of a pending challenge to the FEC's aggregate limits on donations to federal candidates and political parties.

The Executive Director further informed the Commissioners that the Supreme Court of Wisconsin had dismissed a challenge to a state law requiring disclosure of issue ads.

K. Spring Meeting Schedule

In order to ensure a quorum at the upcoming meetings, the Commission determined to change the date of the April meeting to April 10 from April 17 due to the Vice Chair's scheduling and the time of the May meeting to 10:00 a.m. from 11:00 a.m. due to Commissioner Saunder's schedule.

- April 10, 2012 at 11:00 a.m. in Trenton;
- May 15, 2012 at 10:00 a.m. in Trenton; and,
- June 19, 2012 at 11:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, 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. Introduction of Judy Sheridan

At this juncture, Personnel Officer Judy Sheridan entered the room.

Executive Director Brindle informed the Commissioners of her qualifications and experience gained during 12 years of service at the Department of Treasury.

Ms. Sheridan introduced herself to the Commissioners and provided additional information about her background.

Chairman DeFilippis asked Ms. Sheridan what her responsibilities would be at the Commission.

Ms. Sheridan stated that she would assist in the processing of timesheets, promotions, questions concerning paychecks, health benefits, pensions, and deferred compensation. She anticipated that there was much to learn in this new role.

The Chairman thanked Ms. Sheridan for appearing before the Commissioners.

6. Adjournment

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to adjourn at 11:51 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz