



State of New Jersey

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Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

November 18, 2014

Chairman DeFilippis, Commissioner Saunders, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall and Director of Information Technology Carol Neiman were also present. Special Programs Analyst Scott Fagerty was present for the purpose of recording the minutes. Vice Chairman Timpone participated by telephone.

The Public Session Minutes will be available online on 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. Executive Director Brindle 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 October 21, 2014

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 October 21, 2014, as amended by Chairman DeFilippis.

3. Executive Director's Report

A. Legislation – Executive Director Brindle updated the Commission on two pieces of legislation advancing in the Legislature.

S-1503 (Weinberg) would require filing by governmental affairs agents retained by local governments to file reports with the Commission and would require local governments to file annual lobbying reports. The Executive Director informed the

Commission that on October 13, 2014, the Senate approved the bill by a vote of 38-0. It has since been referred to the Assembly Judiciary Committee.

S-827 (Beach) which would eliminate the requirement that gubernatorial ballot statements be mailed along with each sample ballot and instead require that they be posted online on the websites of ELEC, the County Clerks, and the Division of Elections. The bill passed the Senate State Government Committee and has been referred to the Senate Budget and Appropriations Committee.

- B. Training Sessions – Executive Director Brindle announced that there will be a Continuing Political Committee treasurer training session on December 10, 2014. He added that staff recently held a Pay-to-Play training seminar on November 14, 2014.
- C. New Jersey League of Municipalities Conference – Executive Director Brindle stated that ELEC will maintain a staff presence at the League of Municipalities Conference in Atlantic City. He stated that on November 18, 2014, Assistant Compliance Officers Danielle Hacker and Maite Hopkins will be available to answer questions that may arise.
- D. Camden County Bar Association – The Executive Director informed the Commission that Compliance Director Amy Davis participated in a panel discussion held by the Camden County Bar Association entitled, “The Mechanics of Campaign & Election Law.” Director Davis provided an overview of campaign finance and Pay-to-Play laws along with William Tambussi, Esq. and former Voorhees Council Candidate Rachel Brekke, Esq.
- E. Federal Elections – Executive Director Brindle commented on two competitive races for the House of Representatives in New Jersey. The first, in District 3, Republican Tom MacArthur raised \$5,536,642 and spent \$4,433,794, while his opponent, Aimee Belgard raised and spent \$1,518,212 and \$1,150,096, respectively. The Executive Director added that the race highlighted the increasing degree in which independent expenditures can alter the amounts spent in individual elections. He noted that in addition to the amounts spent by the candidates themselves, \$3,767,556 was spent independently.

The Executive Director contrasted that race with the race in the 5th District between Scott Garrett and Roy Cho, which saw only \$5,000 spent by independent groups.

According to Executive Director Brindle, the amount of independent expenditures is increasing greatly. According to the Brennan Center, in the 11 most competitive races of the 2014 elections, \$342 million was spent independently, whereas the 2012 federal elections saw \$259 million spent independently on 33 races. He noted that this information, obtained from the Federal Election Commission, does not include amounts spent on issue advocacy.

- F. Justice v. Hosemann – The Executive Director notified the Commission that the Fifth Circuit Court of Appeals has reversed a previous ruling that had determined that

Mississippi's disclosure requirements for ballot advocacy groups were unconstitutional. The Appeals Court restored those disclosure requirements.

- G. Computer Upgrade – The Executive Director reported that the computer upgrade has not proceeded as planned, as staff has not yet received approval from Archival and Records Management (ARM). He stated that upon receiving that approval, staff would also be required to receive approval from Office of Management and Budget to proceed in the overhaul of the Commission's computer system.

Director of Information Technology Carol Neiman stated that while staff awaits approval, it is working on areas of the system upgrade that can be implemented at this time.

- H. 2015 Commission Meeting Schedule

Executive Director Brindle presented the Commissioners, for their approval, the 2015 proposed meeting schedule.

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone and passed by a vote of 3-0, the Commission approved the 2015 Commission Meeting Schedule.

- I. Future Meetings Schedule

- December 16, 2014 at 11:00 a.m. in Trenton;
- January 20, 2015 at 11:00 a.m. in Trenton; and,
- February 17, 2015 at 11:00 a.m. in Trenton.

4. Public Comments

Chairman DeFilippis asked if any members of the public wished to comment.

Ingrid Reed, former Director of the New Jersey Project at Rutgers' Eagleton Institute informed the Commission on the work performed by the Youth Political Participation Program. She stated that it remains challenging for the public to find basic biographical information of candidates seeking election to political office in the State of New Jersey. She suggested that ELEC provide such background information on its website.

Executive Director Brindle restated that S-827 is progressing through the Legislature and would require that the 500-word gubernatorial ballot statements be published on the Commission's website as well as those of the County Clerks and the Division of Elections.

Ms. Reed commented that this bill would provide the Commission with the opportunity to examine what information could be included on the Commission's website.

Chairman DeFilippis asked Ms. Reed if the current project would publish a report at its conclusion.

Ms. Reed answered affirmatively, adding that she would be happy to provide the Commission with its findings.

Chairman DeFilippis thanked Ms. Reed for her comments.

Chairman DeFilippis asked if any additional members of the public wished to comment. Seeing none, he asked for a motion to enter Executive Session.

5. 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 and current 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. 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. The reports 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. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.

Return to Public Session

6. Adjournment

On a motion by Commissioner Saunders, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission resolved to adjourn at 11:43 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director