



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

ERIC H. JASO
Chairman

STEPHEN M. HOLDEN
Commissioner

MARGUERITE T. SIMON
Commissioner

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JEFFREY M. BRINDLE
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Deputy Director

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Legal Director

STEPHANIE A. OLIVO
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

June 16, 2020

Chairman Eric Jaso, Commissioner Stephen Holden, Commissioner Marguerite Simon, Legal Counsel Edwin Matthews, Executive Director Jeffrey Brindle, Deputy Director Joseph Donohue, Legal Director Demery Roberts, Deputy Legal Director Amanda Haines, Director of Review and Investigation Shreve Marshall, Compliance Director Stephanie Olivo, IT Director Anthony Giancarli, and IT Specialist Elias Amaya participated via GoToWebinar.

A court reporter was available to record the proceedings.

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 Jaso 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 for May 26, 2020

On a motion by Commissioner Simon, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission approved the Public Session Minutes of May 26, 2020.

3. Executive Director's Report

The Executive Director presented the Executive Director's Report.

Future Meetings Schedule

- July 21, 2020 at 11:00 am in Trenton;
- August 18, 2020 at 11:00 am in Trenton (if needed);
- September 15 at 11:00 am in Trenton; and,

4. 2021 Cost Index Report

Deputy Director Donohue presented to the Commissioners the 2021 Cost Index Report. The report describes calculation of the New Jersey Campaign Cost Index (NJCCI), which measures inflation in the costs of campaigns during the period from 2016 to 2020, and the resulting adjustments of the limits and thresholds applicable to gubernatorial candidates and committees, and adjustments of the thresholds applicable to non-gubernatorial candidates and committees.

5. Proposed Regulations Involving Gubernatorial Public Financing Program Including Inflationary Campaign Cost Adjustments

Executive Director Brindle presented to the Commission proposed amendments to the regulations to address electronic filing, update administrative procedures and implement the statutorily-mandated, quadrennial campaign cost adjustment. N.J.S.A. 19:44A-7.1 and 7.2 require that the Commission calculate the change in campaign costs over the past four years and propose amendments to limits and thresholds applicable to gubernatorial candidates, and thresholds applicable to non-gubernatorial candidates and committees.

6. Proposed Regulations for Inflationary Campaign Cost Adjustments and Electronic Filing by all individuals and/or Entities

Legal Director Roberts presented to the Commission proposed amendments to the regulations for electronic filing and to implement the statutory mandated, quadrennial campaign cost adjustments. The proposed regulations would repeal, amend and implement new rules to require electronic filing for all individuals and/or entities that file with the Commission, effective January 1, 2021, and implement campaign cost index adjustments.

7. Public Comments

David Wildstein asked the following question: If the primary election dates are moved, would the limits be adjusted?

Executive Director Brindle responded that limits and thresholds of the cost index report would apply if the dates of the gubernatorial elections were changed.

8. Resolution Authorizing an Executive Session

Whereas, there exists a need to hold an Executive Session for the purpose of discussing the following matter/matters, which fall within the exceptions to the Open Public Meetings Act, N.J.S.A. 10:4-12 *et seq.* to wit.

Matter/Matters (OPMA Exception)

- Approval of Executive Session Minutes for May 26, 2020;
- Final Decision Recommendations for Non-Filer Complaints;
- Final Decision Recommendation;
- Personnel Matter; and,
- Proposed Regulations as discussed in Executive Session.

Whereas, it is unknown at this time when such discussion to take place in Executive Session may be disclosed to the public.

Now Therefore Be It Resolved by the Election Law Enforcement Commission as follows:

1. This Executive Session Meeting of the Election Law Enforcement Commission shall be closed to the public for discussion of the aforesaid referenced matters.
2. The matters discussed during this Executive Session Meeting shall be disclosed to the public at such time when reason for discussing and acting on same in Executive Session shall no longer exist.

On a motion by Commissioner Simon, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission resolved to enter 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. 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

9. Approval of Executive Session Minutes for May 26, 2020

On a motion by Commissioner Simon, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission approved the Executive Session Minutes of May 26, 2020.

10. Final Decision Recommendations for Non-Filer Complaints

On a motion by Commissioner Holden, seconded by Commissioner Simon, and passed by a vote of 3-0, the Commission adopted the Final Decision Recommendations for Non-Filer Complaints, items 1 and 2.

11. Final Decision Recommendation

On a motion by Commissioner Holden, seconded by Commissioner Simon, and passed by a vote of 3-0, the Commission adopted the Final Decision Recommendation, item 1.

12. Proposed Regulations Involving Gubernatorial Public Financing Program Including Inflationary Campaign Cost Adjustments

On a motion by Commissioner Holden, seconded by Commissioner Simon and passed by a vote of 3-0, the Commission approved the proposed amendments to the regulations.

13. Proposed Regulations for Mandatory Electronic Filing by all individuals and/or Entities

On a motion by Commissioner Holden, seconded by Commissioner Simon and passed by a vote of 3-0, the Commission approved, as revised, the proposed amendments to the regulations pursuant to discussion in Executive Session.

14. Fiscal Year 2021 – Legal Counsel Contract

On a motion by Commissioner Simon, seconded by Commissioner Holden and passed by a vote of 3-0, the Commission approved a bid received from Edwin R. Matthews of Bourne, Noll & Kenyon pursuant to the Agency Request for Proposal for outside legal counsel for fiscal year 2021.

15. Public Comments

No public comments.

16. Adjournment

On a motion by Commissioner Holden, seconded by Commissioner Simon and passed by a vote of 3-0, the Commission resolved to adjourn at 12:15 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz