



State of New Jersey

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Chairman

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Vice Chairman

ELECTION LAW ENFORCEMENT COMMISSION

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Compliance Director

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PUBLIC SESSION MINUTES

September 15, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall and Associate Legal Director Michelle Levy were also present. Special Programs Analyst Scott Fagerty was present for the purpose of recording the minutes.

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. Proclamation and Statement on the Passing of Judge Amos C. Saunders

Chairman DeFilippis read into the record a proclamation memorializing Judge Amos C. Saunders, Commissioner. Noting his dedication to public service both professionally and in his private life, the Chairman expressed the Commission's deepest gratitude for Judge Saunders's commitment and contributions made to the Commission and his community.

3. Approval of Public Session Minutes of July 21, 2015

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 July 21, 2015.

4. Executive Director's Report

- A. New/Reorganized staff – Executive Director Brindle introduced Ben Kachuriner, newly hired attorney to the Commission. Prior to beginning work at ELEC, Mr. Kachuriner worked as a law clerk for Judge DeBello.

The Executive Director also announced that Laura Jurkiewicz, previously with the Special Programs Section, has been promoted to the Review and Investigation Section.

- B. Computer Upgrade – Executive Director Brindle stated that major components of the ongoing computer upgrade are now fully functional. These major components are Data Miner, the tool used for document scanning, imaging, and retrieval, and a new Oracle server which is compatible with Data Miner. Together, the new system will enhance the public's ability to view reports and provide greater ability to extend electronic filing to the quarterly reports filed by lobbyists, political parties, and PACs.
- C. Relocation of Commission Offices – Executive Director Brindle provided an update on the status of the relocation. He stated that the new heating and cooling system is fully installed and operational. He added that the fifth floor, which the Commission will occupy, has been cleared out and electrical work is being performed. The move remains scheduled to occur in February or March of 2016.
- D. Compliance Section – The Executive Director reported that Compliance staff under the direction of Stephanie Olivo, newly appointed Director, are making changes to many of its procedures. Among the new procedures, staff will now include the name of the compliance officer sending letters to provide contact information to the recipient. In addition, the same compliance officer will handle each communication during all steps of the process. In addition, the section has made changes to the procedures for answering phone calls. Previously, officers were assigned specific times of the day, and calls were given to only those officers scheduled. Now every officer is eligible to receive phone calls on an ongoing basis during the day. The new procedures bring greater accountability and enhance service to the public.
- E. Television Appearance – Executive Director Brindle informed the Commissioners that he participated in a discussion of campaign finance issues with Asbury Park Press reporter Mike Symon. The discussion will be aired on Another Thing with Larry Mendte, on Channel 2 Philadelphia.
- F. Ethics Training – Executive Director Brindle reminded the Commissioners that a mandatory training session will take place immediately following the meeting.
- G. Republican Party of Louisiana v. FEC – The Executive Director informed the Commission that the Louisiana State GOP is seeking a judgement declaring that a ban on soft money contributions from national parties to state parties is unconstitutional. Executive Director Brindle stated that he expects the case to reach the U.S. Supreme Court.
- H. White Paper No. 26 – Executive Director Brindle announced the issuance of ELEC White Paper 26. He thanked Deputy Director Donohue for his work on the white paper.

Deputy Director Donohue stated that the white paper examined financial activity of the 2013 legislative races, with a specific focus on self-financed candidates. The white paper identifies a number of trends, chiefly, the increasing importance of independent expenditures. Of that spending, the research found that the bulk goes to swing districts. In addition, the white paper reports that political action committee spending—in particular spending by union-affiliated PACs, has increased substantially.

The white paper also lists a number of recommendations, including requiring disclosure of financial activity undertaken by independent groups. Furthermore, the Deputy Director stated that the white paper recommends that the term “media” as a description of disclosed expenditures be broken down into exact type of media cost. A highlight of the paper is the discussion of self-financed legislative candidates.

I. Future Meetings Schedule

- October 20, 2015 at 11:00 am;
- November 17, 2015 at 11:00 am; and
- December 15, 2015 at 11:00 am in Trenton.

5. Proposed Amendments Concerning Lobbying Reporting Obligation and New Rule

Associate Legal Director Michelle Levy presented the proposed amendments requiring electronic filing for lobbyists under the Legislative and Governmental Process Activities Disclosure Act, N.J.A.C. 19:25-20.1 et seq. She stated that the proposed amendments also contain a new rule, N.J.A.C. 19:25-2.6, to require a public hearing on a rulemaking proposal if sufficient public interest is demonstrated.

Associate Legal Director Levy stated that under the proposal there will be “sufficient public interest” to require a public hearing when 20 individuals request a hearing in writing. She added that the new proposal, however, would not bar the Commission from holding a public hearing when fewer than 20 individuals have requested a hearing.

Associate Legal Director Levy stated that, if approved by the Commission, the proposed amendments and new rule will be filed at the Office of Administrative Law for publication in the New Jersey Register, and would be the subject of a public hearing scheduled for the December 15, 2015 meeting.

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis and passed by a vote of 2-0, the Commission approved the Proposed Amendments Concerning Lobbying Reporting Obligation and Proposed New Rule, N.J.A.C. 19:25-26.

6. Public Comments

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

7. 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 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. 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

8. 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 12:20 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz