



State of New Jersey

RONALD DEFILIPPIS  
Chairman

WALTER F. TIMPONE  
Vice Chairman

## 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

DEMERY J. ROBERTS  
Legal Director

STEPHANIE A. OLIVO  
Compliance Director

EDWIN R. MATTHEWS  
Legal Counsel

### PUBLIC SESSION MINUTES

March 15, 2016

Chairman DeFilippis, Vice Chairman Timpone, and Legal Counsel Matthews participated by telephone. Senior staff were present. Director of Review and Investigation Shreve Marshall was 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. Approval of Public Session Minutes of February 16, 2016

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 February 16, 2016.

#### 3. Executive Director's Report

- A. Budget – Executive Director Brindle reported that the Commission is tentatively set to receive \$4.510 million for Fiscal Year 2017. While the amount is \$200,000 greater than the budget for Fiscal Year 2016, the Executive Director stated that the additional amount is allocated to cover costs incurred by the Office of Information Technology regarding security measures applicable to ELEC servers.

Executive Director Brindle added that an additional \$6.2 million will be allocated to the Commission for the administration of the 2017 Gubernatorial Public Financing Program. He stated that language within the budget permits supplemental appropriations for the program as needed.

- B. S-96 – Executive Director Brindle announced that S-96, the bill which will provide for the public financing of gubernatorial candidates in special elections has been passed by the full Senate. He added that the bill will next be heard by the Assembly Judiciary Committee.
- C. Legislative Proposals – Executive Director Brindle informed the Commission that he has been working with legislators to introduce legislation that would require disclosure of financial activity by independent groups and reform pay-to-play. He noted there is interest on both sides of the aisle and in both houses.
- D. Commission Vacancies – Executive Director Brindle stated that there has been no progress in obtaining nominations to give the Commission its full complement of members.
- E. Relocation of Commission Offices – Executive Director Brindle stated that the relocation of Commission Offices is now scheduled to take place on December 17, 2016.
- F. Coalition for Secular Government v. Williams – Executive Director Brindle informed the Commissioners of a ruling issued by the Tenth Circuit Court stating that Colorado’s disclosure requirements as applied to small scale issue advocacy non-profit groups are overly burdensome and violates the First Amendment. The standard by which the Court determined what is a small scale committee is based on how much money is raised or spent. The Coalition spent \$3,500, which is greater than the standard in New Jersey, which is \$1,400.
- G. Future Meetings Schedule
  - April 19, 2016 at 11:00 am in Trenton;
  - May 17, 2016 at 11:00 am in Trenton; and,
  - June 21, 2016 at 11:00 am in Trenton.

4. 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.

5. Resolution to enter 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 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.

Public Session Minutes

March 15, 2016

Page 3

- 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

6. 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 11:21 a.m.

Respectfully submitted as true  
and correct,



Jeffrey M. Brindle  
Executive Director

JMB/elz