



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

JERRY FITZGERALD ENGLISH
Commissioner

AMOS C. SAUNDERS
Commissioner

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

November 16, 2010

Chairman DeFilippis, Vice Chairman Saunders, Commissioner English, Commissioner Timpone, and Senior Staff were present. Acting Director of Review and Investigation Shreve Marshall was 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 October 5, 2010

On a motion by Commissioner English, seconded by Commissioner Timpone and passed by a vote of 4-0, the Commission approved the Public Session Minutes of October 5, 2010.

At this juncture, Vice Chairman Saunders tendered his resignation as Vice Chairman to prevent an imbalance caused by being of the same party as the Chairman.

On a motion by Commissioner Timpone, seconded by Commissioner English, and passed by a vote of 4-0, the Commission accepted Vice Chairman Saunders' resignation.

Commissioner English nominated Commissioner Timpone to fill the vacancy for the Vice Chairman position.

On a motion by Commissioner English, seconded by Commissioner Saunders, and passed by a vote of 4-0, the Commission approved the nomination of Commissioner Timpone for Vice Chairman.

Chairman DeFilippis commended Commissioner English for her years of service rendered to the Commission as Chair.

3. 2011 Meeting Schedule

Executive Director Brindle presented the Commissioners, for their approval, the 2011 proposed meeting schedule.

Chairman DeFilippis requested that the Commission meetings from January to April 2011 be rescheduled to begin at 10:00 a.m. instead of 11:00 a.m. as originally proposed.

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone, and passed by a vote of 4-0, the Commission approved the 2011 meeting schedule as amended to change the starting time for Commission meetings from January to April 2011 from 11:00 a.m. to 10:00 a.m.

4. Executive Director's Report

A. Attorney General Visit

Executive Director Brindle informed the Commissioners of the visit by Attorney General Paula Dow, First Assistant Attorney General Phillip Kwon, and Assistant Attorney General Marc-Philip Ferzan to the Commission on November 12, 2010.

He reported that the guests had been given a tour of Commission offices and engaged in productive conversation. The Executive Director stated that the Attorney General expressed support for the Commission's mission and legislative recommendations.

Commissioner English asked if this was the first visit by a sitting Attorney General to the Commission.

Executive Director Brindle replied in the affirmative.

Commissioner English noted that such a visit was an important milestone for the Commission.

B. Analytical Press Releases

Executive Director Brindle informed the Commissioners that the Commission had issued analytical press releases relevant to local and special legislative elections, the "big-six" state political party committees, and county political party committees. He reported that \$2.1 million had been raised and \$1.4 million spent for the special legislative elections; \$3.1 million raised and \$2.9 million spent by the "big-six" committees; and, \$4.4 million raised and \$4.3 million spent by county political party committees.

C. Training Programs

The Executive Director reported that the Commission had hosted campaign finance training sessions on September 13 and September 29, and a continuing political committee training session on September 27 in anticipation of October reporting dates.

D. Senate Bill 2379 Testimony

Executive Director Brindle informed the Commissioners that he had testified before the Senate State Government Committee in favor of Bill S-2379, sponsored by Senator Barbara Buono. He noted that this bill would require disclosure of outside groups and was one of the Commission's priority legislative recommendations. The Executive Director reported that the bill had been successfully moved through the State Government Committee.

E. Institute for Justice Correspondence

Executive Director Brindle informed the Commissioners of correspondence sent to the Commission by the Institute for Justice, a public interest law firm. The Institute requested information on how the Commission would change its laws and regulations in response to the Citizens United v. FEC and SpeechNow v. FEC decisions.

The Executive Director stated that this message was likely a precursor to a challenge to contribution limits involving political committees and continuing political committees. He noted that the SpeechNow v. FEC decision upheld disclosure but not contribution limits, and the case was not taken up by the U.S. Supreme Court.

Executive Director Brindle reported that the Office of the Attorney General would defend the Commission's laws if challenged in court.

Commissioner English asked if there was a bill pending in the Legislature to remove contribution limits on political and continuing political committees.

The Executive Director replied that there was not.

Vice Chairman Timpone anticipated that as the SpeechNow v. FEC decision upheld disclosure requirements, any future legal action would concern contribution limits.

Commissioner Saunders asked if the Commission was preparing a response to the letter.

Executive Director Brindle replied that the Commission did not plan on issuing a response at this time.

F. Award of Excellence—Documents Association of New Jersey

Executive Director Brindle informed the Commissioners that the Commission had received the "Award of Excellence" for "Best Official New Jersey Website" from the Documents Association of New Jersey (DANJ). He noted that the award was presented to

Director of Information Technology Carol Neiman, Assistant Computer Technician Ken Colandrea, Principal Webmaster Maryanne Garcia, and Data Entry Supervisor Brenda Brickhouse at Rutgers Law School in Newark.

Director Neiman provided a demonstration showing links on the Commission website, a video of the award ceremony, and a Commission press release issued on November 10 announcing receipt of the award and the criteria considered by DANJ. She reported that New Jersey Documents Interest Group Chair Deborah Mercer distributed awards and spoke highly of the Commission. Director Neiman noted that the State Commission of Investigation received the award for "Best Official Documents."

Chairman DeFilippis congratulated Director Neiman and Commission staff for a job well done.

G. Winter Meeting Schedule

- December 21, 2010 at 11:00 a.m. in Trenton;
- January 18, 2011 at 10:00 a.m. in Trenton; and
- February 15, 2011 at 10:00 a.m. in Trenton.

5. Advisory Opinion Request No. 02-2010

Legal Director Carol Hoekje informed the Commissioners that Hugh DeFazio, Jr., Esq. had requested an extension postponing action on his Advisory Opinion Request until December in order to complete submission of materials. She noted that staff had contacted Chairman DeFilippis, who had granted the extension request.

Commissioner English confirmed that she had formally recused herself from all deliberations as of the October meeting on the Advisory Opinion Request due to a longstanding professional relationship with Mr. DeFazio. She directed staff again that she should not receive any memoranda concerning the Advisory Opinion Request.

6. Resolution to go into Executive Session

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss anticipated litigation, which will become public as follows:

- A. Final Decision Recommendations in violation 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.

- C. 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.

7. Recognition of Former Commissioner Burstein

At this juncture, Commissioner English thanked Chairman DeFilippis for allowing her the opportunity to recognize the achievements of former Commissioner Burstein. She highlighted Commissioner Burstein's long history of public service as a member and Majority Leader of the Assembly and subsequent tenure with the Commission.

Commissioner English further praised former Commissioner Burstein's experience and patience with the sometimes fractious process of crafting legislation, and his encouragement of public participation in the lawmaking process.

Chairman DeFilippis read a proclamation issued by the Commission recognizing his service to the Commission, and personally congratulated him.

Commissioner Saunders presented a proclamation issued by the Governor recognizing former Commissioner Burstein's service to the Commission, and personally congratulated him.

Vice Chairman Timpone presented a resolution issued by the General Assembly recognizing former Commissioner Burstein's service to the Commission, and personally congratulated him.

Commissioner English presented a joint Legislative resolution issued recognizing former Commissioner Burstein's service to the Commission, and personally congratulated him. She noted the importance of such recognition from the combined legislative body.

Former Commissioner Burstein stated that he was overwhelmed by the attention shown toward him. He noted that Veterans' Day, originally titled Armistice Day, had recently passed, and stated that receipt of this recognition had reminded him of his recent induction on that day as a Chevalier of the French *Légion d'honneur* for his service in World War II, and likewise was a great honor to him. He stated that he would remember this recognition for the rest of his life.

Former Commissioner Burstein reported that although the Commission handles a number of "hot potato" issues that are political in nature, the Commission has maintained a professional and nonpartisan approach. He noted that such an attitude was greatly needed in current local and national politics. He thanked the staff for its consistently high quality of work, and congratulated Executive Director Brindle and Deputy Director Donohue on the new initiatives begun under their tenure. The former Commissioner acknowledged that without staff preparation of documents and data, the task of the Commissioners would be all but impossible.

8. Adjournment

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission resolved to adjourn at 12:55 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz