



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

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AMY F. DAVIS
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

April 21, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and 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. Commissioner Saunders 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 March 17, 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 March 17, 2015. Commissioner Saunders did not participate in the approval of these minutes.

3. Executive Director's Report

- A. Assembly Budget Committee Hearing – Executive Director Brindle informed the Commission of his attendance at the Assembly Budget Committee hearing for the Department of Law and Public Safety. He stated that although he was prepared to speak about the computer upgrades, he was not called to testify. The Executive Director noted that Assemblyman Gary Shaer expressed concern that the budget for ELEC appeared to be cut, but explained that the amount in question reflected the

additional money budgeted during fiscal year 2015 for the computer upgrade. The Executive Director expects that the Commission budget for fiscal year 2016 will be a continuation budget of \$4.337 million.

Executive Director Brindle added that he will attend the Senate Budget Committee hearing for the Department of Law and Public Safety. He anticipates being asked by Senator Loretta Weinberg to testify about the computer upgrade.

- B. Computer Upgrade – Executive Director Brindle stated that the Information Technology staff is now working on all aspects of the computer upgrade, including moving forward on electronic filing for lobbyist quarterly reports, political party and PAC initiatives. He added that electronic filing for candidates will be enhanced.
- C. Relocation of Commission Office – The Executive Director stated that the relocation of Commission offices is still scheduled for December, although the Certificate of Occupancy has yet to be obtained. The Commission’s tasks are complete, as Director of Finance and Administration Chris Mistichelli has worked with property management in ordering furniture, and finalizing the layout of the offices.
- D. Special Election for Governor – Executive Director Brindle announced that he has met with Frank Parisi, Office of Legislative Services, and Senator Jim Whelan’s staff. Together they are working on a proposed amendment to the State Constitution to provide for a special gubernatorial primary in the event of a vacancy in the Office of Governor. The Executive Director stated that he expects Senator Whelan to propose a bill to effectuate the necessary amendment.
- E. Pay-to-Play Analytical Press Release – Executive Director Brindle announced that the Commission has released its annual Pay-to-Play analytical press release detailing political activity by businesses holding public contracts. The press release reports that while the value of public contracts has risen by five percent to \$6.9 billion, total contributions made by public contributions has fallen 15 percent to \$9.1 million. Of that \$9.1 million, however, public contractor contributions to PACs and independent expenditure committees has risen 16 percent to \$1.9 million, which represents approximately 20 percent of total contractor donations. Pointing to the \$400,000 of contributions to independent groups that participated in last year’s Mayoralty race in Newark, Executive Director Brindle stated that the amount of contributions by public contractors to independent expenditure groups is becoming more and more significant on the local level.
- F. “Big Six” 1st Quarterly Reports – Executive Director Brindle informed the Commissioners that staff has received the reports covering the activity of the first quarter of calendar year 2015. An analysis of the reports reveals that Democratic committees are beginning to outperform Republican committees in terms of fundraising. In all, a total of \$973,000 was raised, \$546,000 by Democratic committees and \$427,000 by Republican committees. Republican committees have spent \$624,000, while Democratic committees have spent \$392,000, totaling more than \$1

million in combined expenditures. The reports show that the committees have the lowest amount of cash-on-hand since 2007.

G. Training Seminars – Executive Director Brindle announced that staff will conduct the following training seminars:

- Campaign Treasurer Training – April 23, 2015;
- Political Party Committee and PAC Treasurer Training – June 17, 2015; and,
- Electronic Filing Training – April 28, 2015 and July 28, 2015.

H. Future Meetings Schedule

- May 26, 2015 at 11:00 a.m. in Trenton;
- June 16, 2015 at 11:00 a.m. in Trenton; and,
- July 21, 2015 at 11:00 a.m. in Trenton.

4. Annual Report

Executive Director Brindle presented to the Commissioners the 2014 Annual Report.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission approved the 2014 Annual Report, as amended by Chairman DeFilippis and Vice Chairman Timpone.

5. 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.

6. 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. 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.

- C. 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.
- D. 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 Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to adjourn at 12:27 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz