



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

**RONALD DEFILIPPIS**  
Chairman

**STEPHEN M. HOLDEN**  
Commissioner

**ERIC H. JASO**  
Commissioner

**MARGUERITE T. SIMON**  
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

**DEMERY J. ROBERTS**  
Legal Director

**STEPHANIE A. OLIVO**  
Compliance Director

**EDWIN R. MATTHEWS**  
Legal Counsel

### **PUBLIC SESSION MINUTES**

July 18, 2017

Chairman Ronald DeFilippis, Commissioner Stephen Holden, Commissioner Eric Jaso, Commissioner Marguerite Simon, Legal Counsel Edwin Matthews, Executive Director Jeffrey Brindle, Deputy Director Joseph Donohue, Legal Director Demery Roberts, Compliance Director Stephanie Olivo, Deputy Legal Director Amanda Haines, Director of Review and Investigation Shreve Marshall, and Assistant Legal Counsel Scott Miccio were present.

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 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. 2017 Gubernatorial Debate Sponsors – General**

Chairman DeFilippis welcomed the debate sponsor applicants for the 2017 Gubernatorial and Lieutenant Gubernatorial General Election Debates. He asked each applicant to provide their presentation.

1. Centenary University;
2. Fox Television;

Commissioner Jaso arrived at this point.

3. Montclair State University/NJTV;
4. NBC-4 New York/Telemundo 47/AARP;
5. NBC/Telemundo/Rowan University;
6. NJ Performing Arts Center/ABC/Univision/Rutgers/League of Women Voters/NALEO;
7. NJTV;
8. News12/Monmouth University Polling Institute;
9. Positive Community;
10. Regional News Network;
11. Stockton University;

Compliance Director Olivo stated that Stockton University was not present and that they rest on their application.

12. William Paterson University/CBS/Record/Gannet.

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission selected William Paterson/CBS/Record/Gannett to sponsor a gubernatorial general election debate.

On a motion by Commissioner Simon, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission selected NJ Performing Arts Center/ABC/Univision/Rutgers/League of Women Voters/NALEO to sponsor a gubernatorial general election debate.

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission selected Montclair State University/NJTV to sponsor the lieutenant gubernatorial debate.

Chairman DeFilippis thanked the sponsors and stated that all the presentations were outstanding and phenomenal. The Chairman communicated to those that didn't get included to talk to those that were selected and see if they can partner up with them.

### **3. Approval of Public Session Minutes of June 20, 2017**

On a motion by Commissioner Holden, seconded by Commissioner Jaso, and passed by a vote of 3-0, the Commission approved the Public Session Minutes of June 20, 2017. Commissioner Simon abstained from the vote.

### **4. Executive Director's Report**

Executive Director Brindle welcomed Commissioner Marguerite Simon to the Commission. The Executive Director presented the Executive Director's Report.

**Future Meetings Schedule**

- August 15, 2017 at 11:00 am in Trenton (if needed);
- September 26, 2017 at 11:00 am in Trenton;
- October 17, 2017 at 11:00 am in Trenton.

**5. Report on 2017 Gubernatorial Public Financing Program**

Compliance Director Olivo presented the gubernatorial public financing report.

**6. Adoption of “Sunset” Proposal**

Assistant Legal Counsel Scott Miccio presented the re-adoption of N.J.A.C. 19:25 and provided a summary for the adoption of the “Sunset” proposal. The proposal was published in the New Jersey Register, 49 N.J.R. 1014(a) (May 1, 2017) and is also found on the Commission’s website. Filing of the proposal notice extended the expiration of Commission regulations to September 21, 2017. No written comments were received by the June 30, 2017 deadline for receipt of written comments.

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission re-adopted the regulations at N.J.A.C. 19:25 and directed staff to file the notice of adoption with the Office of Administrative Law.

**7. Public Comments**

At this juncture, Assistant Legal Counsel Miccio left the meeting and there were no public comments.

**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 June 20, 2017;
- Final Decision Recommendations;
- Executive Session Memorandum: Final Decision recommendations;
- Office of Administrative Law - Initial Decision;
- Memorandum from Edwin R. Matthews, Legal Counsel;
- Memorandum from Amanda Haines, Deputy Legal Director;
- Legal Section Second Quarterly Report; and
- Pending Litigation.

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 Holden, seconded by Commissioner Jaso, and passed by a vote of 4-0, 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. Final Decision Recommendations**

On a motion by Commissioner Simon, seconded by Commissioner Jaso, and passed by a vote of 4-0, the Commission approved the Final Decision Recommendations, items 1, and 3 thru 26, as recommended by staff.

On a motion by Commissioner Simon, seconded by Commissioner Jaso, and passed by a vote of 3-0, the Commission approved the Final Decision Recommendation, item 2, as recommended by staff. Commissioner Holden recused himself from this vote.

#### **10. Executive Session Memorandum: Final Decision Recommendation**

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission approved the Final Decision Recommendation, item 1, as presented by staff.

#### **11. Office of Administrative Law (OAL) - Initial Decision**

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission adopted the Initial Decision of the OAL.

#### **12. Public Comments**

No public comments. Meeting adjourned.

**13. Adjournment**

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 4-0, the Commission resolved to adjourn at 3:20 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz