



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

THOMAS H. PROL  
Chairman

RYAN PETERS  
Commissioner

NORMA R. EVANS  
Commissioner

JON-HENRY BARR  
Commissioner

Respond to:  
P.O. Box 185  
Trenton, New Jersey 08625-0185

(609) 292-8700

Website: [www.elec.nj.gov/](http://www.elec.nj.gov/)

JEFFREY M. BRINDLE  
Executive Director

JOSEPH W. DONOHUE  
Deputy Director

STEPHANIE A. OLIVO  
Compliance Director

EDWIN R. MATTHEWS  
Legal Counsel

### PUBLIC SESSION MINUTES

October 17, 2023

Chairman Thomas H. Prol, Commissioner Norma R. Evans, Commissioner Jon-Henry Barr, Legal Counsel Edwin R. Matthews, Executive Director Jeffrey Brindle, Deputy Director Joseph Donohue, Deputy Legal Director Amanda Haines, Compliance Director Stephanie Olivo, Review and Investigation Director Shreve Marshall, Legal Administrator of Review and Investigation Theresa Lelinski, Assistant Legal Counsel Ben Kachuriner, and Information Technology (IT) Director Anthony Giancarli were present. IT Specialist Elias Amaya participated via Zoom. Commissioner Ryan Peters was absent.

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>.

Chairman Prol convened the meeting at 11:02 a.m. in Trenton and explained meeting procedures.

#### **1. Open Public Meetings Statement**

Chairman Prol 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.

Pledge of Allegiance.

#### **2. Approval of Public Session Minutes for September 19, 2023**

On a motion by Commissioner Evans, seconded by Commissioner Barr, and passed by a vote of 3-0, the Commission approved the Public Session Minutes for September 19, 2023.

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

Executive Director Brindle said that ELEC has not received the fiscal year 2025 budget recommendation from the Office of Management and Budget. He mentioned that the fiscal year 2024

budget is \$5.753 million, 87 percent of which is for employee salaries. He said that the budget has not increased in the last five years, except in the salary account, which covers union employee salaries and the commissioners' salaries.

The Executive Director praised Compliance Director Olivo for undertaking the task of the Commission's training program. He said she has done an excellent job in maintaining these training sessions from the pandemic to present. Executive Director Brindle mentioned that the Compliance section has conducted eight seminars in person and ten webinars remotely for candidate committee treasurers and other committee treasurers. He said that the trainings were held from August, September, and October and that there are four seminars pending to the end October.

Executive Director Brindle informed the Commissioners about ELEC's latest white paper report authored by Deputy Director Joseph Donohue, White Paper No. 31: Legislative Election 2021- The Southern Tsunami. He said that the report is an analysis of 2021 legislative general election. He mentioned that ELEC is the only agency of its kind in the nation that performs this kind of work. The Executive Director said that the white papers have covered a range of topics from public financing to political action committees to lobbying, political parties, and school board elections. The first one was done in 1989, it covered contribution limits. He said that recommendations in some white paper reports have resulted in legislative change. He mentioned that since becoming Executive Director, Deputy Director Joseph Donohue has picked up the ball in terms of these analytical reports.

Deputy Director Donohue said that Executive Director Brindle authored twenty white paper reports and he has done eleven reports. He mentioned that a lot of reforms were adopted early on with significant legislation like the grassroots lobbying in 2004. He said that the main purpose of these reports is for the public to understand trends and to provide policy guidance. He informed the Commissioners that the summary of the recent white paper report contains ELEC's recommendations to the Legislature.

Chairman Prol praised the report and said it was well written.

#### **Future Meetings Schedule**

- November 21 at 11:00 a.m. in Trenton;
- December 19 at 11:00 a.m. in Trenton; and,
- The 2024 Commission meeting schedule will be submitted with the November agenda.

Compliance Director Olivo informed the Commissioners about training conducted by staff. She said that at the beginning of every year, Compliance puts together a training schedule and is posted on ELEC's website containing seminars in the office and seminars online. She mentioned that Compliance does seminars privately for anyone that calls and needs assistance. She said that staff also travels throughout the State to conduct group training in person and also has done training for members of the union, AFL-CIO.

#### **4. Public Comments**

No members of the public.

Chairman Prol stated that the meeting is close for public comment.

**5. Chairman Prol Read 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)**

- Discussion of Executive Session Minutes for September 19, 2023;
- Campaign Report Processing/Release Timing and Daniel's Law;
- Final Decision Recommendations for Non-Filer Complaints;
- Statutory Interpretation and Preelection Disclosure; and,
- Update on 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 Barr, seconded by Commissioner Evans, and passed by a vote of 3-0, 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**

Chairman Prol stated that the following items were discussed in Executive Session:

- Discussion of Executive Session Minutes for September 19, 2023;
- Campaign Report Processing/Release Timing and Daniel's Law;
- Final Decision Recommendations for Non-Filer Complaints;
- Statutory Interpretation and Preelection Disclosure;
- Progress on Compliance Reports and Potential Litigation; and,
- Update on Litigation.

**6. Approval of Executive Session Minutes for September 19, 2023**

On a motion by Commissioner Evans seconded by Commissioner Barr, and passed by a vote of 3-0, the Commission approved the Executive Session Minutes for September 19, 2023.

**7. Final Decision Recommendations for Non-Filer Complaints**

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 3-0, the Commission adopted the Final Decision Recommendations for Non-Filer Complaints in the following matters:

- 2019 Municipal Election: 1. Kuchmek, 2. Marrone;
- 2019 Primary Election: 3. Metzdorf, 4. Misciagna, 5. Epstein, 6. Boyce, 4<sup>th</sup>,  
7. Pontone, 8. Williams, 9. Kacan;
- 2020 Primary Election: 10. Cortese, 11. Fischler;
- 2022 Primary Election: 12. Burke, 13. Golabek, 14. Pisar, 15. Schreiber, 16. Matraxia,  
17. Banca, 18. Mattera, 19. Anthony, 20. Radcliffe,  
21. Kogan, 22. Bilicska, 23. Posnansky, 24. Stadler,  
25. Suero, 26. Allen, 27. Steinmann, 28. Enrile,  
29. Estacio-Carrillo, 30. Duran-Sanchez, 31. Havens,  
32. Buckley.

**8. Public Comments**

No members of the public.

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 3-0, the Commission voted to excuse Commission Ryan's absence.

**9. Adjournment**

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 3-0, the Commission resolved to adjourn the meeting at 12:33 p.m.

Respectfully submitted as true  
and correct,

Joseph W. Donohue  
Acting Executive Director