



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

THOMAS H. PROL
Chairman

RYAN PETERS
Commissioner

NORMA R. EVANS
Commissioner

JON-HENRY BARR
Commissioner

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PUBLIC SESSION MINUTES

June 28, 2024

Chairman Thomas H. Prol, Commissioner Ryan Peters, Commissioner Norma R. Evans, Commissioner Jon-Henry Barr, Executive Director Amanda Haines, Deputy Director Joseph Donohue, Compliance Director Stephanie Olivo, Legal Administrator of Review and Investigation Theresa Lelinski, Information Technology (IT) Director Anthony Giancarli, IT Specialist Ken Colandrea, and Executive Secretarial Assistant Elbia Zeppetelli were present. Legal Counsel Edwin R. Matthews and IT Specialist Elias Amaya participated via Zoom. Review and Investigation Director Shreve Marshall 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 9:07 a.m. in Trenton.

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.

2. Pledge of Allegiance

3. Order to Show Cause: Use of Media Resources by Declared Candidates as a Campaign Contribution

- Angelo J. Genova, Esq. (Townsquare Media, Inc.);
- Charles R. Spies, Esq. (Bill Spadea and Spadea for Governor);
- John M. Carbone, Esq. (Bill Spadea and Spadea for Governor);
- Mark D. Sheridan, Esq. (Jack Ciattarelli and Ciattarelli for Governor); and
- William R. Burns, Esq. (Jon Bramnick and Bramnick for Governor, Inc.).

4. Public Comments

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to open the meeting for public comments.

No public comments.

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission resolved to close public comments.

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)

- Deliberation on the Order to Show Cause to evaluate whether a declared gubernatorial candidate's media airtime is an "in-kind" contribution to the candidate's campaign, and, therefore, subject to the applicable requirements for same including contribution limits.

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 Peters, 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

On a motion by Commissioner Barr, seconded by Commissioner Peters, and passed by a vote of 4-0, the Commission voted to approve the findings of the public hearing and issue an opinion within the next week.

Chairman Prol announced the following findings:

1. Mr. Spadea is a candidate, having filed a D-1.
2. Spadea's campaign, as his attorney noted, benefits from his radio program.
3. The Commission is troubled by reports of express and explicit communication after Mr. Spadea announced his candidacy.
4. The guidelines developed and agreed to by Mr. Spadea and 101.5, as well as enforcement of same, are insufficient and should be conformed to be in full compliance with regulations.
5. Significantly, we find the 13-second delay can be a tool to effect enforcement but it is not properly utilized at this time to achieve full regulatory compliance.
6. If the Commission receives a bonafide complaint from the public, we will undertake prima facie review, investigation, and adjudicate/process to decision.
7. If the Commission finds a violation, we will value the contribution during the adjudication process and we will hold the candidate and the campaign accountable including any impact on public financing, in addition to other remedies available at law.

6. Public Comments

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to open the meeting for public comments.

No public comments.

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to close public comments.

7. Adjournment

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission resolved to adjourn the meeting at 1:08 p.m.

Respectfully submitted as true
and correct,

Amanda S. Haines
Executive Director