



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

RONALD DEFILIPPIS  
Chairman

WALTER F. TIMPONE  
Vice Chairman

AMOS C. SAUNDERS  
Commissioner

LAWRENCE WEISS  
Commissioner

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Compliance Director

JAMES P. WYSE  
Legal Counsel

### PUBLIC SESSION MINUTES

July 19, 2011

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Commissioner Weiss, and senior staff were present. Director of Review and Investigation Shreve Marshall was also present. Report Review Officer Lovinsky Joseph was present for the purpose of recording the minutes. Legal Counsel Wyse was absent.

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 June 21, 2011

On a motion by Commissioner Saunders, seconded by Commissioner Weiss and passed by a vote of 4-0, the Commission approved the Public Session Minutes of June 21, 2011 as amended by Chairman DeFilippis.

#### 3. Executive Director's Report

##### A. Annual Lobbyist Financial Reports

Executive Director Brindle informed the Commissioners that the annual lobbyist financial reports for 2010 were now available online for the second year in a row.

B. Municipal Reports

The Executive Director reported that the 20-day postelection reports for municipal contests in the 2010 general election were now available to the public. He stated that the Commission would release information onto the searchable local contributor database on a rolling basis. The Executive Director recognized the members of the Data Entry section for their work in uploading the information.

C. Legislative 20-Day Postelection Report Primary Analysis

Executive Director Brindle informed the Commissioners that the Commission had issued an analytical press release relevant to legislative 20-day postelection reports in the 2011 Primary election. He reported that legislative candidates had a \$13.7 million cash-on-hand balance, Democrats raising \$9 million and Republicans \$4 million, a 2-to-1 advantage for Democratic candidates.

D. “Big Six” Analysis

The Executive Director reported that the Commission had just issued an analytical press release relevant to the activity of the “Big Six” state party and legislative leadership committees.

He stated that the committees had raised a year-to-date total of \$3.7 million, and spent \$1.9 million. Executive Director Brindle noted that Republican committees had raised \$2.4 million, and Democratic committees \$1.3 million. The Executive Director attributed the Republican advantage to a fundraising surge for the Republican State Committee, which raised \$1.7 million for the first half of the year.

E. Budget

Executive Director Brindle informed the Commissioners that the budget remained essentially unchanged at \$4.281 million, to be supplemented with fees and fines. He stated that the budget would allow the Commission to continue its current level of service.

F. Federal Actions

The Executive Director informed the Commissioners of federal actions relevant to campaign finance.

He reported on the decision rendered by Judge Robert Pratt for the Southern District of Iowa upholding disclosure requirements in an Iowa state law in the case of Iowa Right to Life v. Megan Tooker.

Executive Director Brindle also reported that the Federal Election Commission (FEC) had denied an advisory opinion request by Majority PAC and House Majority PAC seeking permission for federal candidates to receive unlimited contributions from federal “super PACs.”

The Executive Director further informed the Commissioners of the U.S. Supreme Court decision in the case of McComish v. FEC, in which the “rescue money” provision of Arizona’s Clean Elections Act was struck down, but public financing as a whole upheld. He noted that this decision would not affect the Commission as there was no similar “rescue money” provision in New Jersey campaign finance law.

G. Training Sessions

Executive Director Brindle reported that the Commission would conduct treasurer training sessions on September 12, September 27, and October 3, political party training sessions on September 21 and December 14, and pay-to-play training sessions on August 5 and September 16. He noted that all sessions would begin at 10 a.m.

H. Summer Meeting Schedule

- August 16, 2011 at 11:00 a.m. in Trenton (if needed);
- September 20, 2011 at 11:00 a.m. in Trenton; and
- October 18, 2011 at 11:00 a.m. in Trenton.

Chairman DeFilippis asked if everyone was informed about the “rescue money” provision.

The Executive Director informed the Commissioners that “rescue money” is a feature of certain public financing election programs in which publically-financed candidates heavily outspent by well-financed candidates not participating in the program receive extra money to remain competitive.

4. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders 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. 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.
- 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.

Return to Public Session

5. Adjournment

On a motion by Chairman DeFilippis, seconded by Vice Chairman Timpone and passed by a vote of 4-0, the Commission resolved to adjourn at 1:35 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz