



ELEC-TRONIC

An Election Law Enforcement Commission Newsletter

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"Furthering the Interest of an Informed Citizenry"

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Website:

www.elec.state.nj.us

Comments from the Chairman Ronald DeFilippis

After obtaining the necessary approvals from various committees in the Office of Management and Budget (OMB) and the Office of Information Technology (OIT), the Commission will begin work on a key component of the overall \$2 million computer upgrade.

At a capital cost of \$452,000 efforts have begun to implement DataMiner, a complete document scanning, capture, indexing, and retrieval system.

The DataMiner system will replace FileNet repository, which has served the Commission well since its implementation in the late 1990s but now is outdated.

As has been reported and publicly been spoken about on numerous occasions in the past, the Commission has been in need of a complete overhaul of its 16-year old computer software applications and hardware infrastructure.

In the recent past, there were times when blips in the system prevented users from accessing reports, sometimes at critical times during the campaign season.

Commission technical staff had to frequently apply band aid solutions to insure that the Commission's mission of disclosure was fulfilled.

Yet, as a result of these system failures and the three-year long lobbying effort of the Commission, the Legislature and Governor appropriated \$2 million to the Commission for the purpose of upgrading the system to bring it into the 21st century.

That effort is now well underway and it is the aim of the Commission to have the new system fully integrated by this year's legislative general election.

Part and parcel of this effort is to provide a complete electronic filing component for all filers, including political parties, legislative leadership committees, political committees, and political action committees (PACs)

To say the least, the Commission is very excited about this possibility as it has been working toward this end for some years.

For example, gubernatorial candidates began to report electronically in 2005, while public contractors, consistent with the inception of the pay-to-play law, began filing electronically in 2006.

Legislative candidates and non-legislative candidates have had the ability to file electronically since 2007. As a matter of fact, legislative candidates raising more than \$100,000 are mandated to file electronically.

Finally, annual lobbyist financial reports have been filed electronically since 2011.

As part of the computer upgrade, electronic filing not only will be mandated for the above filers but will include electronic filing of lobbyist quarterly reports, political party entities, political committees, and PACs.

Moreover, other bells and whistles will be included in the upgrade, such as the ability to file reports right from one's phone or blackberry, etc.

With the computer upgrade and the anticipated move of the Commission's offices, which has now been temporarily delayed until sometime toward the end of the year, the future is bright for the modernization and continued progress at ELEC.



Executive Director's Thoughts Jeff Brindle

Atlantic County Court Case Illustrates Need for State Pay-to-Play Reforms

Reprinted from politickernj.com

There is no clearer example of why New Jersey's pay-to-play laws need to be simplified than a Superior Court Judge's recent ruling that Atlantic County has violated its own local law.

In December, Judge Julio Mendez barred Ford-Scott and Associates from bidding on public contracts from Atlantic County for four years.

The accounting firm had been awarded an \$88,000 auditing contract with the county.

However, the firm last year made a \$4,600 political contribution to Sheriff Frank Balles.

Judge Mendez decided the contribution was a breach of the county's pay-to-play law. That is why the accounting firm will have to forfeit the right to obtain future contracts for four years.

The judge did allow the firm to be paid for the work, which had already been completed.

Judge Mendez followed the Atlantic County pay-to-play law in making his decision. Atlantic County's ordinance prohibits public contractors from making donations to county officials.

The contribution was made to a county official, which the ordinance prohibits.

The wrinkle, though, is that Balles was running for State Senate. The contribution was made to his Senate campaign committee, not to his sheriff campaign account.

Moreover, Sheriff Balles had nothing to do with awarding the contract. Judge Mendez pointed out that the Sheriff did nothing wrong in accepting the donation.

State pay-to-play law, which does not apply here, except to the extent it allows counties and municipalities to establish their own ordinances, generally does not prohibit contributions to legislative candidates.

This may have been a source of confusion. It may explain, at least in part, dueling interpretations of the law. It may also explain why a decision was not rendered for over two months after the case was heard.

The Atlantic County case and another recent situation in Trenton are further examples of why the state's pay-to-play law needs to be reformed.

Not long ago, the new administration in the City of Trenton was in the news for awarding a \$20,000 contract to the law firm Long, Marmero and Associates.

A local blogger claimed the contract violated the spirit of Trenton's pay-to-play ordinance.

The City attorney, however, maintained that there was no violation of the local ordinance because none of the partners gave to Civic Empowerment PAC, which had made an \$8,200 contribution to Mayor Eric Jackson.

The issue centered around the fact that an employee of Long, Marmero and Associates served as treasurer of the PAC, as did Marmero himself at one time.

Trenton's ordinance prohibits public contractors from contributing to PACs that in turn contribute to candidates.

Both of these situations demonstrate why New Jersey's complicated pay-to-play scheme need an overhaul.

To say that the law is confusing is an understatement. It is a dizzyingly complex array of statutes, ordinances, and executive orders.

County and municipal governments can adhere to state law, enact their own ordinances, which can be stronger or weaker than state law, or circumvent pay-to-play altogether by invoking the "fair-and-open provision."

The fair-and-open provision, or loophole, permits local governments to publicly advertise their bids and thereby opt out of the law's restrictions.

There are 176 local governments that have adopted their own ordinances, which, as in the case of Atlantic County and Trenton, can come in various shapes and sizes.

And, when local administrations change, ordinance changes often follow.

So legislation needs to be enacted that would simplify pay-to-play by establishing one state law to apply across the board to state contracting as well as local contracting.

Moreover, contracts of more than \$17,500 should be disclosed, enhancing transparency. The fair-and-open provision that allows local governments to opt out of pay-to-play should be eliminated.

Additionally, the contribution limit applying to public contractors should be raised from \$300 to \$1,000, thereby encouraging them to give directly to candidates rather than to PACs and independent groups in legal circumvention of the law.

PACs, not covered under current law, should be brought under the umbrella of pay-to-play and contributions by public contractors to independent groups should be flagged for disclosure purposes.

These reforms would go far toward dispelling the confusion over the pay-to-play law that reigns at all levels of government.

Carol Neiman “Profile”

[Information Technology Director](#)

By Joe Donohue, Deputy Director

Throughout her long career at the Election Law Enforcement Commission (ELEC), Carol Neiman has made her mark by defying expectations.

She began nearly 37 years ago as a temporary clerical worker. Today, she oversees 18 employees in ELEC's Information Technology section.

She ushered in the agency's first website in 1997.

Neiman oversaw a major upgrade in 1999 that permitted the public for the first time to look up reports online.

In 2010, ELEC's website was honored as the “Best Official New Jersey Web Site” by the Documents Association of New Jersey.

But Neiman's biggest test still may be looming.

Following the approval of a special \$2 million appropriation by the Legislature and Governor Chris Christie in 2014, she is supervising a new wave of modernization of ELEC's software and hardware systems.

“To me, it is all a challenge. Take away the challenge, and I might as well not be here,” said Neiman, a Philadelphia native.

Except for three years when she lived in southern California, Neiman grew up in various sections of Philadelphia. She attended John Bartram High School where she was a perennial honor student.

In 1966 at age 18, she married sweetheart Bill Neiman. In a little more than a year from now, they will celebrate their golden wedding anniversary.

After staying at home during her family's early years, she obtained a clerical job at a law firm in 1977. The next year, she took a temporary job at ELEC.

In July 1978, she was hired to a permanent job at ELEC. Only one other ELEC employee has worked longer at the agency.

At ELEC, Neiman became a jack of all trades before assuming supervision of the Information Technology section.

In her earlier years, her work involved investigations, budget, payroll and compliance.

While working for ELEC's legal director, she began to automate the text of complaints using the IBM Display Writer she was then using. She also learned how to interact with the agency's main frame computer; developed her word processing skills and took courses in the use of Lotus 123 spreadsheets.

Her innate interest in computers eventually defined the rest of her career.

In October 1989, then-Deputy Director Jeff Brindle (now ELEC's Executive Director) invited her into his office and asked whether she wanted to be ELEC's first Information Technology Director.

Neiman said she was overjoyed and eager to take on the new assignment. She soon discovered she had a knack for managing people.

She never looked back as she guided her team from an era where ELEC relied on an early generation, main-frame based computer network that mostly served the agency's internal needs to today's more sophisticated server-based system that interacts heavily with thousands of users annually over the Internet.

At the time she became director, the section included only four employees. The group more than quadrupled as the agency's service needs grew.

In her spare time, Neiman still spends lots of days in her home town of Philadelphia. Now, along with dining out in the city, she likes to attend Philadelphia Orchestra concerts and Philadelphia Phillies games.

At home, she crochets and knits, loves to cook, and enjoys reading books by authors such as John Grisham, Janet Evanovich and Lisa Scottoline.

She also is an avid walker and, until recently, a runner. Her longest run- 5.5 miles.

As busy as her life can get, she always has time for her husband Bill (often meeting friends at Michael's Restaurant in Morrisville), their two married children and six grandchildren.

TRAINING SEMINARS 2015

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ. Please visit ELEC's website at <http://www.elec.state.nj.us> for more information on training seminar registration.

BUSINESS ENTITY PAY-TO-PLAY TRAINING	
March 13, 2015	10:00 a.m.
March 25, 2015	10:00 a.m.
TREASURER TRAINING FOR CANDIDATES AND JOINT CANDIDATES COMMITTEES	
March 18, 2015	10:00 a.m.
March 31, 2015	10:00 a.m.
April 23, 2015	10:00 a.m.
September 17, 2015	10:00 a.m.
September 29, 2015	10:00 a.m.
TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS	
March 26, 2015	10:00 a.m.
June 17, 2015	10:00 a.m.
September 15, 2015	10:00 a.m.
December 16, 2015	10:00 a.m.
R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING	
March 19, 2015	10:00 a.m.
April 2, 2015	10:00 a.m.
April 28, 2015	10:00 a.m.
July 28, 2015	10:00 a.m.
September 24, 2015	10:00 a.m.
September 30, 2015	10:00 a.m.

LOBBYING REPORTING DATES

	INCLUSION DATES	ELEC DUE DATE
Lobbying Quarterly Filing		
1 st Quarter	1/1/2015 to 3/31/2015	April 10, 2015
2 nd Quarter	4/1/2015 to 6/30/2015	July 10, 2015
3 rd Quarter	7/1/2015 to 9/30/2015	October 13, 2015
4 th Quarter	10/1/2015 to 12/31/2015	January 11, 2016

2015 REPORTING DATES

		<i>Inclusion Dates</i>	<i>Report Due Date</i>
Fire Commissioner - 2/21/2015			
29-day pre-election		Inception of campaign* - 1/20/15	1/23/2015
11-day pre-election		1/21/15 - 2/7/15	2/10/2015
20-day post-election		2/8/15 - 3/10/15	3/13/2015
48 Hour Notice Reports Start on 2/8/2015 through 2/21/2015			
School Board Election - 4/21/2015			
29-day pre-election		Inception of campaign* - 3/20/15	3/23/2015
11-day pre-election		3/21/15 - 4/7/15	4/10/2015
20-day post-election		4/8/15 - 5/8/15	5/11/2015
48 Hour Notice Reports Start on 4/8/2015 through 4/21/2015			
May Municipal Election - 5/12/2015			
29-day pre-election		Inception of campaign* - 4/10/15	4/13/2015
11-day pre-election		4/11/15 - 4/28/15	5/1/2015
20-day post-election		4/29/15 - 5/29/15	6/1/2015
48 Hour Notice Reports Start on 4/29/2015 through 5/12/2015			
Runoff (June)** - 6/9/2015			
29-day pre-election		No Report Required for this Period	
11-day pre-election		4/29/15 - 5/26/15	5/29/2015
20-day post-election		5/27/15-6/26/15	6/29/2015
48 Hour Notice Reports Start on 5/27/2015 through 6/9/2015			
Primary Election*** - 6/2/2015			
29-day pre-election		Inception of campaign* - 5/1/15	5/4/2015
11-day pre-election		5/2/15 - 5/19/15	5/22/2015
20-day post-election		5/20/15 - 6/19/15	6/22/2015
48 Hour Notice Reports Start on 5/20/2015 through 6/2/2015			
90 Day Start Date: 3/4/2015			
General Election*** - 11/3/2015			
29-day pre-election		6/20/15 - 10/2/15	10/5/2015
11-day pre-election		10/3/15 - 10/20/15	10/23/2015
20-day post-election		10/21/15 - 11/20/15	11/23/2015
48 Hour Notice Reports Start on 10/21/2015 through 11/3/2015			
Runoff (December)** - 12/8/2015			
29-day pre-election		No Report Required for this Period	
11-day pre-election		10/21/15 - 11/24/15	11/27/2015
20-day post-election		11/25/15 - 12/25/15	12/28/2015
48 Hour Notice Reports Start on 11/25/2015 through 12/8/2015			
PACs, PCFRs & Campaign Quarterly Filers			
1 st Quarter		1/1/15 - 3/31/15	4/15/2015
2 nd Quarter****		4/1/15 - 6/30/15	7/15/2015
3 rd Quarter		7/1/15 - 9/30/15	10/15/2015
4 th Quarter		10/1/15 - 12/31/15	1/15/2016

* Inception Date of Campaign (first time filers) or from January 1, 2015 (Quarterly filers).

** A candidate committee or joint candidates committee that is filing in a 2015 Runoff election is not required to file a 20-day post election report for the corresponding prior election (May Municipal or General).

*** Form PFD-1 is due on April 9, 2015 for Primary Election Candidates and June 12, 2015 for Independent General Election Candidates.

**** A second quarter report is needed by Independent/Non-Partisan General Election candidates if they started their campaign before 5/5/2015.