



State of New Jersey

JERRY FITZGERALD ENGLISH
Chair

PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
Commissioner

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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Legal Director

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Compliance Director

JAMES P. WYSE
Legal Counsel

PUBLIC SESSION MINUTES

November 17, 2009

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, Legal Counsel Wyse, and Senior Staff were present.

The meeting convened at 11:00 a.m. in Trenton.

1. Open Public Meetings Statement

Chair English 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.

2. Approval of Public Session Minutes of October 20, 2009

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission approved the Public Session Minutes of October 20, 2009, as amended by Commissioner Saunders.

3. Executive Director's Report

A. New Staff Introduction

Executive Director Brindle introduced two new members of staff: Joseph Donohue, Deputy Director, and Theresa Lelinski, Assistant Legal Director.

Chair English emphasized the importance of staff activities and information provided by the Commission in promoting good governance.

B. Recognition of Public Financing Program Staff

Executive Director Brindle recognized the following staff members for their work in implementing the Public Financing Program: Special Programs Director Amy Davis, Information Technology Specialist Elias Amaya, Special Programs Analyst Christine

Aquilante, Special Programs Analyst Scott Fagerty, Special Programs Analyst Laura Jurkiewicz, Public Financing Analyst Jennifer Kirby, Public Financing Analyst Julie Latsko, Information Technology Specialist Kap Sin, and Associate Computer Technician Lou Solimeo.

Chair English congratulated the Public Financing Program staff for their accomplishments and service in the public interest.

C. Local Contributor Database

Executive Director Brindle provided a summary of the Commission's new contributor database. The Executive Director explained that this feature allows citizens to key in a name or business and retrieve a list of contributions made by the individual or business, and now encompasses local contributions.

Executive Director Brindle noted significant interest from the press concerning the new database.

The Executive Director recognized Director of Information Technology Carol Neiman, Data Entry Supervisor Brenda Brickhouse, Assistant Data Entry Supervisor Darlene Kozlowski, Associate Help Desk Technician Peter Palaitis, Associate Data Entry Technician Nelly Rosario, and the remainder of the Information Technology staff for their work in bringing the database online.

At this juncture, Director Neiman provided a demonstration of the new database.

Chair English asked if the database provided pay-to-play information.

Director Neiman replied that searching under the relevant business name would provide the desired information.

Chair English asked if the database could provide information on activity related to "wheeling."

Director Neiman replied that contributions could be verified using the advanced search option in order to narrow down activity to a particular jurisdiction and subsequently cross-referenced.

Legal Counsel Wyse asked for an explanation of the "Customized List" function.

Director Neiman demonstrated how this function could be used to search the database under multiple special parameters, such as all candidates running in a specific jurisdiction, or a particular type of report. Director Neiman noted that this feature was also applicable for political action committees and political party committees.

Mr. Ron Gravino, representing the Christie Campaign, asked how the data was entered into the system.

Director Neiman answered that the Data Entry staff was responsible for manually inserting information into the system.

Mr. Gravino asked what the data entry procedure was for information received via electronic filing.

Director Neiman replied that the information was automatically uploaded, but verified by Data Entry staff for accuracy.

Commissioner Burstein asked how long the records could be retained, and whether the Commission's electronic data storage would eventually need to be cleared out due to space concerns.

Director Neiman replied that the data was compact, and overload was not a concern; years of future data could be entered into the database without any capacity problems.

Chair English stated that one of the primary goals of the Commission was to provide election disclosure information on as local a level as possible, and asked if fire district and school board elections were available on the local contributor database.

Director Neiman answered that fire district and school board elections would be searchable on the new database soon.

Chair English commented that the inauguration of the new database was a remarkable achievement, and would aid the work of the press and good-government organizations, as well as assisting policy decision-making.

Executive Director Brindle informed the Commission that new analytical press releases covering the 20-day postelection report period for Gubernatorial and Assembly contests would be issued soon.

D. 2010 Meeting Schedule

Executive Director Brindle presented the Commissioners, for their approval, the 2010 proposed meeting schedule.

Chair English asked if changes could be made to the schedule after approval.

Executive Director Brindle replied that dates for the Public Financing Program public hearing and routine meetings could be changed post-approval according to the needs of the Commission. The Executive Director noted that the next meeting was scheduled for December 15, 2009.

Chair English noted that the expenses for a forthcoming end-of-year reception would be paid for by the Commissioners.

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission approved the 2010 meeting schedule.

E. Winter Meeting Schedule

- December 15, 2009 at 11:00 a.m. in Trenton;
- January 19, 2010 at 11:00 a.m. in Trenton; and,
- February 16, 2010 at 11:00 a.m. in Trenton.

4. 2009 Gubernatorial Public Financing Program Update

P2009 - Steven Lonegan –Submission 24

Special Programs Director Amy Davis reported that on November 4, 2009, Candidate Steven Lonegan filed Submission 24 containing \$21,131 in contributions submitted for match. She stated that staff completed its review and issued public matching funds totaling \$44,104. Director Davis noted that November 4 was the final submission date for 2009 primary election candidates.

G2009 - Chris Daggett –Submissions 9 through 11

Director Davis reported that on October 20, 2009, Candidate Chris Daggett filed Submission 9 totaling \$95,892.69 in contributions for match. She stated that staff completed its review and issued \$170,713.38 in public matching funds. Director Davis reported that on October 27, 2009, staff received Candidate Daggett's Submission 10 totaling \$64,892.50 in contributions submitted for match. The Director added that staff completed its review and issued \$121,922.66 in public matching funds. Director Davis reported that on November 4, 2009, Candidate Daggett filed Submission 11 totaling \$37,848 in contributions for match. She stated that staff completed its review and issued \$67,220 in public matching funds. Director Davis noted that the next 2009 general election submission date is on November 24, 2009, and the Daggett campaign may continue to file submissions on a bi-weekly basis until April 6, 2010.

Director Davis indicated that staff will report to the Commission at its next meeting on December 15th on the status of any general election submissions received and public funds disbursed.

Chair English noted the significance of the first Lieutenant Gubernatorial election in New Jersey history, and complimented the staff of the Commission for their efforts in facilitating debates and disclosure of campaign receipts and expenditures.

5. Proposed Readoption of Commission Regulations with Amendments and New Rule

Legal Director Carol Hoekje provided the Commissioners with a brief history of the sunset regulation process, initiated by a 1978 executive order and codified as a statute. Director Hoekje added that without review and readoption every five years, expiration of the regulations would occur.

Director Hoekje informed the Commissioners that the proposed regulations would be filed with the Office of Administrative Law after approval by the Commission and published in the New Jersey Register by early January, 2010.

Director Hoekje summarized the secondary notice process requiring a 60-day comment period prior to readoption of regulations. She stated that the proposal would also be posted on the Commission's website. The Director added that a public hearing was anticipated for February 16,

2010 with adoption at the April 20, 2010 meeting. Director Hoekje noted that readoption must be completed before the May 26, 2010 expiration date.

Director Hoekje explained that the majority of proposals consisted of housekeeping tasks such as editing for proper punctuation, grammar, and citation correction.

Director Hoekje informed the Commissioners of the areas in which new material was proposed for the regulations pursuant to recently enacted legislation and she described the proposed new rule for recordkeeping for the pay-to-play disclosure requirement.

Commissioner Burstein noted that the proposal included a regulation mirroring an Appellate Division decision currently under review by the Supreme Court. He asked if the Commission could revise the regulation if the Appellate decision were to be reversed by the Supreme Court.

Director Hoekje replied in the affirmative.

Vice Chair Tober noted that the executive order mandating renewal of regulations was introduced in part as a streamlining measure. The Vice Chair asked if staff was certain there was not additional material to be removed.

Director Hoekje replied that Commission staff had eliminated duplicative and outdated references.

Chair English asked if Associate Legal Director Michelle Levy wished to comment.

Associate Director Levy replied that all necessary information relevant to renewing sunset regulations had been included, and that substantive amendments would be addressed at a later time.

Associate Director Levy noted that passages referencing lapsed dates had been removed.

Chair English acknowledged the efforts of staff in reviewing the proposed regulations.

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission approved staff's proposed readoption of Commission regulations for filing with the Office of Administrative Law.

At this juncture, Mr. Mark Magyar, representing the Daggett Campaign, thanked the Commission, Special Programs Director Amy Davis, and the Public Financing Program staff for their efforts in expediting the campaign's requests for funds and answering inquiries. Mr. Magyar also congratulated Deputy Director Joseph Donohue on his new appointment with the Commission.

Chair English noted the historic nature of the recent gubernatorial contest, first in state history to include the position of Lieutenant Governor. The Chair additionally acknowledged the role of Commission staff in facilitating compliance and educating candidates and the general public.

Mr. Thomas Dallessio, representing the Leadership New Jersey organization, thanked the Commission for the selection of his organization as sponsor to the Lieutenant Gubernatorial debate. Mr. Dallessio presented Chair English with a collection of publications documenting the Lieutenant Gubernatorial debate and accompanying Forum on the Future of New Jersey.

Mr. Dallessio also thanked Mr. Michael Willmann of the 2009 Forum Steering Committee for his assistance in facilitating the debate and forum. He informed the Commissioners that the collection of publications included an article from NJ Biz Magazine on the importance of the Lieutenant Governor position.

Furthermore, Mr. Dallessio informed the Commissioners that the Forum on the Future of New Jersey incorporated experiences solicited from lieutenant governors from across the country, and constituted a coalition of 18 good-government organizations and business partners for the purpose of improving governance.

Mr. Dallessio noted that Leadership New Jersey anticipated future events in the next 90-100 days to facilitate civic involvement, and reminded the Commissioners that the debate was still available for viewing online.

Chair English acknowledged the new opportunities presented by the creation of the Lieutenant Governor position, and encouraged the promotion of discussion on its future role in State government.

6. Resolution to go into Executive Session

On a motion by Commissioner Burstein, 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. Final Decision Recommendations in violation 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. 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.

7. Adjournment

On a motion by Chair English, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director