



State of New Jersey

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Chair

AMOS C. SAUNDERS
Vice Chair

ALBERT BURSTEIN
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

April 20, 2010

Chair English, Vice Chair Saunders, Commissioner Burstein, Legal Counsel Wyse, and Senior Staff were present. Director of Special Programs Amy Davis was present and Report Review Officer Lovinsky Joseph was present for the purpose of recording the minutes.

The meeting convened at 10:00 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. It was also posted on the Commission's website.

First Public Session

2. Approval of Public Session Minutes of March 23, 2010

On a motion by Commissioner Burstein, seconded by Vice Chair Saunders and passed by a vote of 3-0, the Commission approved the Public Session Minutes of March 23, 2010.

3. Executive Director's Report

A. State Ethics Commission – Disclosure Forms

Executive Director Brindle informed the Commissioners of the May 15 deadline for submission of financial disclosure forms to the State Ethics Commission.

The Executive Director reported that although there had been some discussion on updating the forms to conform to Federal standards, no changes had been enacted. He added that all State agencies had been given notice of the due date at the same time, and that extensions would not be granted.

Executive Director Brindle noted that detailed instructions on filling out the disclosure forms were available on the Ethics Commission's website.

B. Treasurer Training

Executive Director Brindle reported on the treasurer training session held in preparation for the May Municipal election at the Robert Treat Hotel in Newark on April 1, 2010. He stated that the session was well attended.

The Executive Director also informed the Commissioners of a treasurer training session facilitated by Senior Compliance Officer Kim Key for the "Ready to Run" conference sponsored by the Center for American Women and Politics.

Executive Director Brindle also reported that the Commission had accepted an invitation by the Warren County Clerk to hold a treasurer training conference, which was facilitated by Assistant Compliance Officer Danielle Hacker and had about 30 people in attendance.

The Executive Director announced that the Commission would hold four in-house treasurer training sessions in preparation for the May Municipal election.

C. Attorney General and U.S. Attorney Training in Campaign Finance Law

Executive Director Brindle reported that progress had been made in reaching out to the Attorney General and U.S. Attorney in facilitating campaign finance law training sessions. He added that sessions would likely take place in the summer.

D. Scanning of Lobbying Reports

Executive Director Brindle announced that the Commission was in the process of scanning annual lobbying financial disclosure reports in order to make them accessible online. He noted that this project was proceeding under the direction of Executive Secretary Maureen Tilbury.

E. "Snap-Shot" Analytical Press Releases

Executive Director Brindle informed the Commissioners of the latest "snap-shot" analytical press release containing information relevant to the school board election. He noted that the data for the school board election was also available on the local contributor database.

The Executive Director reported that the Commission had also released analytical press releases concerning pay-to-play activity, the May Municipal election, and the "Big Six" committees. He noted that these releases have been of use to the press.

F. Legislative, Agency, and Advocacy Organization Leadership Meetings

Executive Director Brindle related a meeting with the public policy advocacy organization New Jersey Citizen Action in which proposals contained within the annual report were discussed. He stated that the meeting had been productive and had generated a positive response.

The Executive Director also reported that productive meetings had been held with Chief Counsel Jeffrey Chiesa and leadership of both parties in the Legislature.

G. Spring/Summer Meeting Schedule

- May 18, 2010 at 11:00 a.m. in Trenton;
- June 15, 2010 at 11:00 a.m. in Trenton; and,
- July 20, 2010 at 11:00 a.m. in Trenton.

Chair English asked if there had been any meetings with representatives of the Department of the Treasury to clarify the roles of the Commission and Treasury in enforcing pay-to-play laws.

Executive Director Brindle replied that there is constant communication between the two agencies, with Special Programs Director Amy Davis serving as main liaison with Treasury.

The Executive Director reported that the consensus among both agencies was that Treasury would administer contracts, while the Commission would enforce disclosure.

Chair English asked if the Commission received questions from the public concerning the sections of the pay-to-play law administered by Treasury.

Special Programs Director Amy Davis replied that the Commission receives many questions concerning aspects of pay-to-play law that are the domain of Treasury, but that staff nonetheless assists such callers as well as directs them to the FAQ on the Treasury website.

Director Davis noted that the Commission website also contains a link to the Secretary of State's office for information concerning local pay-to-play ordinances.

The Chair asked if calls to the Commission concerning Treasury administration of pay-to-play laws would continue.

Director Davis stated that she anticipated this would be the case. She noted that the ease with which one can talk to live personnel encourages individuals to call the Commission.

Chair English praised staff for performing service above and beyond their regular responsibilities.

Executive Director Brindle reported that there was a consensus among members of the Legislature that pay-to-play laws should be standardized and simplified.

4. Resolution to go into First Executive Session

On a motion by Vice Chair Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, 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.

Second Public Session – 11:15 a.m.

5. Public Hearing Concerning Administration of the 2009 Gubernatorial Public Financing Program – 11:15 a.m.

Chair English announced that a public hearing was being conducted concerning administration of the 2009 New Jersey Gubernatorial Public Financing Program. She said that the hearing was being conducted as part of the Commission's review and analysis of the public financing program and is intended to obtain witnesses' recommendations for statutory and regulatory changes.

The following individuals appeared to offer testimony:

- Ronald Gravino, Treasurer, Christie Campaign;
- Mark Magyar, Policy Director, Daggett Campaign;
- Peter Olsen, Treasurer, Daggett Campaign;
- Ingrid Reed, Professor, Eagleton Institute of Politics;
- Anne Ruach Nicolas, Executive Director, League of Women Voters of NJ;
- Sandra Matsen, Lobbyist, League of Women Voters of NJ; and,
- Thomas G. Dallessio, Executive Director, Leadership NJ.

A court reporter was available to record the proceedings.

6. Resolution to go into Second Executive Session

On a motion by Vice Chair Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss personnel matters.

Third Public Session – 1:45 p.m.

7. Update on 2009 Gubernatorial Primary and General Election Public Financing Program

Special Programs Director Amy Davis reported on the status of a request for additional information approved by the Commission at its March 23, 2010 meeting into higher than average ballot reimbursement costs in the claims submitted by Bergen and Ocean County and the status of competitive bidding in awarding printing contracts.

Director Davis informed the Commissioners that the distribution between counties that used a competitive bidding process and those that did not was about 50 percent each.

The Director noted that many County Clerks who did not use competitive bidding cited the exemption provided in N.J.S.A. 40A:11-5. She reported that Bergen County had not used a competitive bidding process, while Ocean County had.

8. 2009 Annual Report - Approval

On a motion by Vice Chair Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission approved the 2009 Annual Report.

9. Adjournment

The Chair directed the meeting be closed at 1:56 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz