



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

**JERRY FITZGERALD ENGLISH**  
Chair

**AMOS C. SAUNDERS**  
Vice Chair

**ALBERT BURSTEIN**  
Commissioner

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Deputy Director

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Compliance Director

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Legal Counsel

### PUBLIC SESSION MINUTES

May 18, 2010

Chair English, Vice Chair Saunders, Commissioner Burstein, Legal Counsel Wyse, and Senior Staff were present. Special Programs Analyst Scott Fagerty was present for the purpose of recording the minutes.

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. It was also posted on the Commission's website.

#### 2. Approval of Public Session Minutes of April 20, 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 April 20, 2010.

#### 3. Executive Director's Report

##### A. Press Releases and Commission Visibility

Executive Director Brindle stated that the Commission has been active in issuing a number of press releases.

He noted first, an analytical press release outlining the spending of the "Big Six" committees, which are the two state party committees and the four legislative leadership committees. He stated that the report shows a trend in the decline of the amount of contributions received by these committees in contrast to the amounts received at the same point four years ago. Overall, the decline represented a nearly 50 percent reduction.

The Executive Director added that a second press release details the financial activity of county political party committees. The report shows that these committees have received 39 percent less contributions compared to the contributions received four years ago—a strong indication that the Pay-to-Play laws have had a significant impact.

Executive Director Brindle said that the Commission also issued a final press release relating to the activity involved in the May Municipal elections. In total, \$13 million was raised while \$5.9 million was spent. The largest activity occurred in Newark, where \$9 million was raised, followed by Paterson and Bayonne. He added that these figures are down from the amounts raised and spent in previous years.

Executive Director Brindle reported that there has been good coverage and favorable reception of the legislative recommendations outlined in the 2009 Annual Report. The most important of these involve the simplification and streamlining of State Pay-to-Play laws.

Executive Director Brindle noted that he was interviewed by Mr. Rich Lee, Director of Communications for the Hall Institute Public Forum and that a video of the interview is available on the Commission's website.

B. Executive Order No. 7

Executive Director Brindle informed the Commission of the Appellate Court ruling which struck down the inclusion of unions representing groups in collective bargaining agreements in the State Pay-to-Play laws. Specifically, the court found that the Executive Order violated principles of the Separation of Powers, although other issues raised were not addressed by the Court. He added that the ruling, while indicating that an Executive Order may not override existing legislation, left open the door for future legislation having the same effect.

C. 527 (Issue Advocacy) Organization Disclosure

Executive Director Brindle informed the Commission that a bill pending in the Assembly would require the disclosure of financial activity of issue advocacy organizations. The bill, sponsored primarily by Assemblywoman Linda Greenstein, is a priority for the Commission. Executive Director Brindle testified on this issue on February 18, 2010. He added that such a law was now practical due to the Citizens United decision.

D. Budget

Executive Director Brindle reported that Vice Chair Saunders, Director of Finance and Administration Steven Dodson, and he attended a budget hearing on May 4, 2010. He noted that to date, there is no indication that the Legislature intends to reduce ELEC's budget.

E. Treasurer Training

Executive Director Brindle announced upcoming treasurer training sessions. For campaign committees' treasurers, a training session was held on May 4, 2010, and two more will be held in September. He said that training sessions for treasurers of continuing political committees and political party committees will be held on June 24, September 27, and

December 9, 2010. He said the Commission will attempt to obtain remote locations to hold future sessions.

F. State Ethics Commission—Disclosure Reports

Executive Director Brindle notified the Commissioners that Executive Order No. 24 amended the original Executive Order to extend the filing deadline to August 25, 2010. He mentioned that if the Commissioners had already filed the disclosures by the original due date of May 15, 2010, there would be no duty to further report.

G. Summer Meeting Schedule

- June 15, 2010 at 11:00 a.m. in Trenton;
- July 20, 2010 at 11:00 a.m. in Trenton; and,
- August 17, 2010 at 11:00 a.m. in Trenton (if needed).

The Executive Director reminded the Commission of the Commission's intent expressed at the last meeting to form a group regarding the promotion of gubernatorial debates and the procedure through which the debate sponsors are selected. He stated that he would return to the Commission to report on any recommendations, and he asked for authority to proceed.

Chair English stated her interest in hearing from a panel about how the debates might function in a different way.

Commissioner Burstein replied that he had followed up at the Chair's request to further explore the matter, and he had found that the lieutenant gubernatorial debate had experienced a number of problems, stemming from the fact that it was the first ever lieutenant gubernatorial debate. Also, it was the first time the sponsor had run a debate. He noted that under the statute, once the Commission selects the sponsors, the Commission steps back. Sponsors then deal directly with the campaigns, although this did not happen this time, resulting in the Commission playing an additional role. Commissioner Burstein believes that the Commission's role should not necessarily end upon the sponsor selection and he recommended that the Commission maintain a staff liaison.

On a motion by Vice Chair Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission directed Executive Director Brindle to select a panel to advise the Commission on matters relating to the gubernatorial and lieutenant gubernatorial debates.

Chair English thanked Vice Chair Saunders for attending the budget meeting, and she thanked Executive Director Brindle and Deputy Executive Director Donohue for working on legislative priorities.

4. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Vice Chair Saunders 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.
- C. 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.

5. Adjournment

The Chair directed the meeting be closed at 12:43 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz