



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Vice Chair

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PUBLIC SESSION MINUTES

October 5, 2010

Chair English, Vice Chair Saunders, Commissioner DeFilippis, Commissioner Timpone, and Senior Staff were present. Acting Director of Review and Investigation Shreve Marshall was present. Report Review Officer Lovinsky Joseph was present for the purpose of recording the minutes.

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

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 September 21, 2010

On a motion by Commissioner DeFilippis, seconded by Vice Chair Saunders and passed by a vote of 3-0, the Commission approved the Public Session Minutes of September 21, 2010.

The Chair welcomed new Commissioner Walter F. Timpone and listed his accomplishments. She directed that a copy of Commissioner Timpone's biography from the website of his law firm be included in the minutes. Chair English stated that Commissioner Timpone's skills would be a great asset to the Commission. Chair English proposed including an announcement of Commissioner Timpone's appointment in the next issue of the ELEC-Tronic newsletter.

Chair English proposed that the Commission recognize outgoing Commissioner Burstein at its next meeting. She also proposed that the ELEC-Tronic newsletter recognize Commissioner Burstein's service and accomplishments.

The Chair informed Commissioner Timpone of some of the current ongoing activity at the Commission, and related legislative activity. She also provided a brief history of the Commission and its previous accomplishments.

3. Executive Director's Report

A. Welcoming New Commissioner Timpone

Executive Director Brindle welcomed Commissioner Timpone to the Commission. He anticipated that Commissioner Timpone's experience would increase the effectiveness of the Commission, and looked forward to future collaboration.

B. Analytical Press Releases

The Executive Director informed the Commissioners of the pending October 7, 2010 publication of the analytical press release relevant to the 29-day preelection report for the general election.

Executive Director Brindle announced a new series of video press releases to be uploaded onto the YouTube video-sharing website. He noted that this was an example of the Commission's efforts to enhance its profile using new media.

The Executive Director reported that the video press releases would feature a different member of staff each time presenting a brief overview of the information and encouraging viewers to access the full report on the Commission's website. He stated that the first member of staff featured in the video press release would be Director of Information Technology Carol Neiman.

C. Gubernatorial Debate Working Group

Executive Director Brindle informed the Commissioners of progress made during the first gubernatorial debate working group meeting, held on September 22, 2010. He reported that Kent Manahan of New Jersey Network, Jason Springer of the New Jersey Democratic State Committee, Ben Dworkin of the Rebovich Institute, Ingrid Reed of the Eagleton Institute, Ernest Landante of Novita Issue Communications, Mark Magyar of the Daggett Campaign, and Anne Nicholas of the League of Women Voters of New Jersey were in attendance.

The Executive Director stated that the working group had assembled in order to generate ideas on how to better promote the debates, some of which included:

- Interactive submission of questions through kiosks to elicit interest;
- Network collaboration in televising debates;
- Soliciting funds from the Legislature to promote debates, similar to the Clean Elections Program;
- Solicitation of promotion funds from foundations to designated third parties, as the Commission itself cannot accept outside funding;
- Prime-time broadcast of debates;

- Use of new media; and
- Rebroadcasting of debates using the Internet.

Executive Director Brindle informed the Commissioners that the meeting had been productive and anticipated a final report after the next meeting. He stated that the forthcoming meeting would discuss improvements to the process of selecting debate sponsors.

The Chair invited Ingrid Reed, formerly of the Eagleton Institute, who was present in the audience, to present her findings from the working group discussions.

Ms. Reed noted that third party promotion of debates and public policy functions had precedent in New Jersey, and noted previous experience with a grant from Bristol-Myers Squibb in 2002.

Ms. Reed stated that the meeting had been productive, covered many different points, and had allowed for plenty of brainstorming. She reported that public interest in debates remained high, as indicated by the attention paid to the 2008 presidential debates.

Ms. Reed noted that there had been major changes in the media since the Commission was given responsibility for debates.

Ms. Reed stated that the members of the working group had discussed what they thought of the debates, the time they took place, and responsibility for their promotion. She added that if promotion was left solely to sponsors, they would only reach out to their target population instead of a wider audience.

Chair English noted the importance of competitive sponsor selection to the effectiveness of debates. She thanked Ms. Reed for her efforts.

The Chair further noted the efforts of Executive Director Brindle in increasing the public profile of the Commission, and its emphasis on providing proactive guidance to candidates in order to reduce the amount of enforcement necessary.

Ms. Reed provided a summary of findings from a comparative study of newspaper coverage of the gubernatorial races in 2005 and 2009:

- Newspaper coverage of debates was generally very poor before, during, and after;
- The number of stories published remained about the same, but contained little policy analysis, instead focusing on day-to-day campaign activity;
- Coverage could possibly be increased if information was presented in a manner seen as aiding newspapers, such as working with polling operations;
- Debate organizers need to consider placement of stories for maximum exposure; and
- Debate organizers should ensure that debates are explicitly indicated as debates rather than general public affairs programming in television/cable on-screen guides.

Commissioner DeFilippis asked how many different television and cable systems debate organizers would have to approach in order to ensure proper mention of debates in on-screen guides.

Acting Director of Review and Investigation Shreve Marshall suggested that the Board of Public Utilities would be the proper resource from which to obtain the information.

Commissioner Timpone asked who would underwrite sponsorship, and what would be proper limits to draw.

Executive Director Brindle answered that the Commission has little role in this matter, and is usually left to the sponsors and associated networks.

Commissioner DeFilippis noted that for maximum exposure, debate organizers must prevent scheduling conflicts with major televised sports events.

Ms. Reed stated that starting debates earlier was better as it helped build interest in the campaigning.

The Executive Director reported that checking for conflicts with major televised sports and other events was already established procedure.

D. Attorney General Visit

The Executive Director reported that a visit by the Attorney General to the Commission has been rescheduled for October 14.

E. Winter Meeting Schedule

- November 16, 2010 at 11:00 a.m. in Trenton; and,
- December 21, 2010 at 11:00 a.m. in Trenton.

Executive Director Brindle announced that staff would have a proposed meeting schedule for 2011 ready for review by the Commissioners in the next meeting.

4. Advisory Opinion Request No. 02-2010

Chair English stated that she had directed staff to request an extension postponing action on this item pending the return of Legal Counsel Wyse at the next meeting. Legal Director Hoekje reported that Hugh E. DeFazio, Jr., Esq. had granted an extension of time to answer until the November 16, 2010 meeting. Chair English also stated that she would formally recuse herself from all deliberations on the Advisory Opinion Request due to a longstanding professional relationship with Mr. DeFazio. She directed staff that she should not receive any memoranda concerning the Advisory Opinion Request.

5. Resolution to go into Executive Session

On a motion by Vice Chair Saunders, seconded by Commissioner DeFilippis and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss allegations of possible violations of the New Jersey Campaign Contributions and Expenditures Reporting Act, which allegations will not become public in order to maintain the integrity of investigative procedures and priorities and to protect the identity of informants. However, any complaint which may be generated by the Commission as a result of this report will become public not later than seven business days after the mailing to the named respondents.

6. Adjournment

On a motion by Vice Chair Saunders, seconded by Commissioner Timpone and passed by a vote of 4-0, the Commission resolved to adjourn at 12:25 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz