



State of New Jersey

RONALD DEFILIPPIS
Chairman

WALTER F. TIMPONE
Vice Chairman

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

October 20, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall was also present. Special Programs Analyst Scott Fagerty was present for the purpose of recording the minutes.

The Public Session Minutes will be available online on 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

Chairman DeFilippis called the meeting to order. Executive Director Brindle 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 15, 2015

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission approved the Public Session Minutes of September 15, 2015.

3. Approval of Public Session Minutes of September 28, 2015

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission approved the Public Session Minutes of September 28, 2015.

4. Executive Director's Report

- A. 29-day Report – Executive Director Brindle announced that \$12 million has been spent in relation to the upcoming general election for Assembly. Of that total, 45 percent, or \$5.4 million, has been expended by independent groups. The Executive Director added that the compliance rate for the 29-day report is 80 percent, which he described as normal. He stated that 548 letters have been sent to candidates that did not file. The Executive Director said that in the end upwards of 90 percent of filers will have complied.
- B. Big Six – The Executive Director reported that the Big Six committees have raised and spent \$3.8 million and \$3.5 million, respectively. He stated that the influence of independent group activity and Pay-to-Play laws can again be seen, as the totals represent a 50 percent reduction from the amounts raised and spent in 1999.
- C. Computer Upgrade – Executive Director Brindle stated that staff remains on track to require electronic filing of lobbyist quarterly reports beginning in April. He stated that the forms have been revised, simplified, and replicated in electronic format.
- D. Relocation of Commission Offices – Executive Director Brindle informed the Commission that the plans for the fifth floor, the floor to be occupied by the Commission, is currently awaiting approval. He added that the current completion date is targeted for March 31, 2016.
- E. Cases – Executive Director Brindle notified the Commission that the United States Supreme Court (USSC) has been asked to review the decision of the D.C. Court of Appeals in Wagner v. FEC, which upheld the Federal Pay-to-Play law.

In Independence Institute v. Williams and Coalition for Secular Government v. Williams, the 10th Circuit Court will hear challenges to Colorado's disclosure law, specifically in regard to advertisements by corporations, individuals and labor groups prior to an election. The Executive Director stated that the USSC has consistently upheld the legality of disclosure laws.

F. Future Meetings Schedule

- November 17, 2015 at 11:00 am; and
- December 15, 2015 at 11:00 am in Trenton.

5. Public Comments

Chairman DeFilippis asked if any members of the public wished to comment. Seeing none, he asked for a motion to enter Executive Session.

6. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and current litigation, which will become public as follows:

- A. Final Decision Recommendations in complaint 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. 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.
- C. Investigative Reports of possible violations, which reports will not become public. The reports 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.
- D. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.

Return to Public Session

7. Adjournment

On a motion by Vice Chairman Timpone, seconded by Chairman DeFilippis, and passed by a vote of 2-0, the Commission resolved to adjourn at 11:36 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz