

2012 Annual Report

NEW JERSEY ELECTION LAW ENFORCEMENT
COMMISSION





COMMISSIONERS & SENIOR STAFF

Commission's Office

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From left: Assistant Review Officer Lovinsky Joseph, Legal Director Carol L. Hoekje, Legal Counsel Edwin R. Matthews, Commissioner Amos C. Saunders, Chairman Ronald DeFilippis, Vice Chairman Walter F. Timpone, Executive Director Jeff Brindle, Deputy Director Joseph W. Donohue, and Director of Review and Investigation Shreve Marshall.



MISSION STATEMENT & TABLE OF CONTENTS

The essence of Democracy is an informed electorate. It is the fulfillment of this goal that the New Jersey Election Law Enforcement Commission (ELEC) embraces as its valued mission.

Established in 1973, ELEC monitors the campaign financing of all elections in the State. Whether the election is for Governor or Mayor, member of the Legislature or a City Council, candidates and campaign organizations are required to file with the Commission contribution and expenditure reports.

The Commission also administers the law requiring candidates for the Governorship and Legislature to make public their personal finances prior to election day. Moreover, ELEC administers those sections of the law, which establish a filing obligation on the part of lobbyists and their clients. Finally, ELEC is responsible for enforcing various aspects of the Pay-to-Play law, particularly as it pertains to disclosure.

In addition, the Commission is responsible for administering partial public financing of gubernatorial primary and general elections, for rule making, and, as part of its regulatory duties, for holding public hearings. Finally, ELEC exercises its enforcement authority, ensuring the integrity of the financial aspects of the State's electoral process.

A major part of New Jersey's system of elections, the Election Law Enforcement Commission has upheld a tradition of fair, but energetic, administration of the State's financial disclosure laws. That tradition is strong today and will remain so in the future.

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HOW TO CONTACT ELEC

	BY VISITING OUR OFFICES LOCATED AT:	
<p>NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION 28 WEST STATE STREET, 13TH FLOOR TRENTON, NEW JERSEY</p>		
	BY REGULAR MAIL AT:	
<p>NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION P.O. BOX 185 TRENTON, NJ 08625-0185</p>		
	BY COMMERCIAL DELIVERY AT:	
<ul style="list-style-type: none"> - It is important to allow enough time for a report to be physically received at the Commission's office on the filing due date. - When using a commercial delivery service such as FedEx, UPS, DHL, or any other delivery service, please use the following address and telephone number: 		
<p>NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION 28 WEST STATE STREET, 13TH FLOOR TRENTON, NEW JERSEY 08608 (609) 292-8700</p>		
	BY TELEPHONE AT:	
<p>(609) 292-8700</p>		
<p>TOLL FREE WITHIN NEW JERSEY 1-888-313-ELEC (3532)</p>		
	BY FAX AT:	
<p>48-HOUR REPORTING OF CONTRIBUTIONS AND EXPENDITURES MADE BETWEEN 13 DAYS PRIOR TO ELECTION AND ELECTION DAY:</p>		<p>(609) 292-7662</p>
<p>REQUESTS:</p>		<p>(609) 633-9854</p>
<p>LEGAL:</p>		<p>(609) 777-1457</p>
	VIA THE INTERNET AT:	
<p>WEBSITE: http://www.elec.state.nj.us/</p>		
VIA SOCIAL MEDIA AT:		
<p>FACEBOOK: https://www.facebook.com/NJElectionLaw TWITTER: https://twitter.com/elecny</p>		



THE COMMISSION

Ronald J. DeFilippis, Chairman

Ronald J. DeFilippis is a founding partner in the firm of Mills & DeFilippis (CPAs LLP) where he currently serves as senior partner. He was appointed to the Commission in June, 2010. Mr. DeFilippis was named Chairman by Governor Chris Christie in October of that year.

Chairman DeFilippis is one of the few veteran campaign treasurers ever to be named to the Commission. His first involvement as a campaign treasurer occurred in 1977, when former State Senator C. Robert Sarcone of Essex County asked him to serve as treasurer for his campaign in the Republican Primary for Governor. Since then, he has served as treasurer for scores of candidates throughout New Jersey for offices ranging from township council seats to U.S. Senate. From 1989 to 1995, he served as Treasurer for the Assembly Republican Majority.

Chairman DeFilippis graduated from Siena College in Loudonville NY with a B.A. in Accounting in 1973. He earned his MBA in Finance from Rutgers University Graduate School of Business in 1977. He formed his accounting firm in 1978.

His professional licenses include: Certified Public Accountant, State of New Jersey; Certified Public Accountant, State of New York; Certified Public Accountant, State of Florida; Certified in Financial Forensics by the American Institute of CPAs; Personal Financial Specialist designation by the American Institute of CPAs; and Insurance Producers License, State of New Jersey.

His memberships include: American Institute of Certified Public Accountants; New Jersey Society of Certified Public Accountants; Florida Institute of Certified Public Accountants; Morris County Chamber of Commerce; and Roxbury Township Chamber of Commerce.

Married, Commissioner DeFilippis and his wife, Patti, reside in Succasunna. They have two sons.



Ronald J. DeFilippis, Chairman



THE COMMISSION continued

Walter F. Timpone, Vice Chairman

Walter F. Timpone was appointed to the Commission in October 2010 by Governor Chris Christie.

Vice Chairman Timpone, formerly Chief of Special Prosecutions for the United States Attorney's Office in Newark, is now a Partner in the Morristown law firm McElroy, Deutsch, Mulvaney & Carpenter.

While at the U.S. Attorney's Office, he led the prosecutions and convictions of nearly twenty-five public officials on charges of corruption and fraud against the public.

Vice Chairman Timpone also served as the first Federal Election Monitor in Passaic County. As the monitor he was assigned the task of protecting the voting rights of the County's Hispanic citizens.

The Vice Chairman was also appointed by the Federal Court as Ombudsman for the Department of Defense to oversee a contractor who failed to notify the government of failed parts related to the Patriot missile.

In his current position, Vice Chairman Timpone represents health care industry organizations, companies, institutions, and individuals. Moreover, he is an Associate General Executive Board Attorney for the LIUNA Union where he investigates, charges, and takes to hearing union members for violations of union's rules and ethics procedures.

Vice Chairman Timpone, who has extensive trial experience, is admitted to practice in New Jersey and New York as well as the United States Supreme Court, Federal District Courts of New Jersey and the Northern, Southern, and Eastern Districts of New York.

He has been named as a Super Lawyer in New Jersey and was listed in the Top 100 New Jersey Super Lawyers for 2009 and 2010.



Walter F. Timpone, Vice Chairman



THE COMMISSION continued

Amos C. Saunders, Commissioner

Amos C. Saunders, a retired Superior Court Judge from Passaic County, was appointed to the Commission in June, 2008. Named to the bench in 1977 by Governor Brendan T. Byrne, he was the county's only Chancery Division judge on general equity matters. He handled some of the most difficult cases in Passaic history including: right-to-die cases, injunctive relief litigation, corporate dissolutions, and difficult will and probate cases.

A member of the New Jersey and Passaic County Bar Associations, Commissioner Saunders is of counsel to the Clifton law firm of Carlet, Garrison, Klein and Zaretsky. He is admitted to practice before the United States Supreme Court.

Judge Saunders has served as a Municipal Court Judge in Totowa, a Totowa Municipal Attorney, and an Administrative Law Judge for the Waterfront Commission of New York Harbor.

Long involved in volunteer activities, Commissioner Saunders has served as the Chairman of the Fairlawn March of Dimes and as a trustee of the Totowa Volunteer Ambulance Corps. for more than 40 years.

Judge Saunders, one of the nation's premier experts on boxing law, is well known for presiding over several cases with such luminaries as Don King, Mike Tyson, Lennox Lewis, and Evander Holyfield appearing in his courtroom. He was named by International Boxing Digest as one of the most powerful people in the sport.

Formerly a faculty member of the National Judicial College, which is highly recognized for training judges and other court personnel, Commissioner Saunders received a B.A. from Hampden-Sydney College and a J.D. from the Columbia University School of Law.

Married, Commissioner Saunders and his wife, Janet, reside in Totowa. The couple have three children.



Amos C. Saunders, Commissioner



THE COMMISSION continued

Jeffrey M. Brindle, Executive Director

Jeffrey M. Brindle's experience as a regulator as well as in various governmental and electoral capacities allows him to bring an uncommon perspective to the position of Executive Director.

As Deputy Director, Brindle oversaw budgetary and personnel planning and development, participated in public policy development, and engaged in legislative and press relations. He also oversaw the Commission's transformation from a manual-based operation to a technological-based one, an effort begun in the 1990's.

Executive Director Brindle authored twenty analytical white paper reports on campaign financing and lobbying and published articles in newspapers, magazines, and periodicals. He also authored the recent report on the Clean Elections Pilot Program, prepared the Cost Analysis Report, and wrote the report on the Commission's technological needs.

The Executive Director managed governmental offices at various levels and branches of government and brings experience in electoral politics to the position. His academic credentials include a B.A. degree from Rutgers, The State University of New Jersey and an M.A. degree in Political Science from Villanova University. He is also affiliated with The College of New Jersey (TCNJ) as an adjunct professor in the Political Science Department.

Prior to coming to ELEC in 1985, Brindle had been the Director of the Public Information Office at the State Department of Community Affairs, a Legislative Staff Director, Somerset County Deputy County Clerk, New Brunswick Public Information and Complaints Director, and Executive Director of the Union County Chapter of the March of Dimes.

He has also been a candidate for Assembly and a Municipal Chairman. Brindle and his wife Karen have four children.



Jeffrey M. Brindle, Executive Director



THE COMMISSION continued

Edwin R. Matthews, Legal Counsel

Edwin R. Matthews was selected to be the Commission's Legal Counsel and began serving in that capacity in November, 2012.

Mr. Matthews is a partner with the Summit, New Jersey law firm of Bourne, Noll & Kenyon. He specializes in the areas of civil litigation, municipal law, appellate practice, personal injury, products liability, and tax appeals.

Upon graduation from Law School, Mr. Matthews served as a Law Clerk for Associate Justice Mark A. Sullivan of the New Jersey State Supreme Court and as an Assistant United States Attorney for the District of New Jersey. He was twice recognized by the United States Attorney General for Sustained Superior Performance. Mr. Matthews has in the past served the Township of South Orange Village, as a member of its governing body, as its Municipal Court Judge, and as its Village Counsel.

Mr. Matthews, a Certified Civil Trial Attorney, is admitted in the State of New Jersey; United States District Courts for the District of New Jersey, the Southern District of New York, and the Eastern District of New York; United States Courts of Appeals for the Third Circuit and Second Circuit; the United States Supreme Court; and the State of New York. He has been designated Mediator for the United States District Court for the District of New Jersey as well as the New Jersey State Court Mediation Program. He has served as an Arbitrator for the Federal Court in New Jersey as well as a number of counties in the state court system. He served as a Member of the Committee on Character, appointed by the New Jersey Supreme Court (1993-2009.) His membership in a number of bar associations includes serving as a member of the Board of Trustees of the Trial Attorneys of New Jersey since 1986 and as its President from 2004 to 2005.

Mr. Matthews has lectured frequently at seminars on trial tactics, product liability, the Rules of Procedure and the Rules of Evidence. He is a Master



*Edwin R. Matthews
Legal Counsel*

of the Worrall F. Mountain Inn of Court and has been an adjunct faculty member of the School of Law and a Master of the Inn of Court at Seton Hall University School of Law.

Mr. Matthews served in the United States Marine Corps where he attained the rank of Captain. He was awarded the Bronze Star Medal, Navy Commendation Medal, two Purple Heart Medals, Combat Action Ribbon, and the New Jersey Distinguished Service Medal for service in Vietnam. Mr. Matthews has been recognized as a New Jersey Super Lawyer in the editions for 2009 through 2012. The New Jersey Commission on Professionalism presented him with its Professionalism Award in 2010.

Mr. Matthews received a A.B. degree from the College of the Holy Cross and J.D. degree from Seton Hall University School of Law.



COMMISSION STAFF

EXECUTIVE

Jeffrey M. Brindle, M.A.Executive Director
 Joseph W. Donohue.....Deputy Director
 Steven Kimmelman, M.A..... Research Associate
 Elbia L. Zeppetelli Administrative Assistant
 Maureen TilburyExecutive Secretary
 Renee Zach..... Legal Secretary

COMPLIANCE DIVISION

Campaign Financing and Lobbying

Amy F. Davis, Esq.Compliance Director
 Linda White.....Director of Lobbying
 Todd J. Wojcik.....Director of Campaign Financing
 Kimberly Key Senior Compliance Officer
 Titus KamalAssociate Compliance Officer
 Nancy FitzpatrickAssociate Compliance Officer
 Maite Hopkins Assistant Compliance Officer
 Marcus Malmignati Assistant Compliance Officer
 Danielle Hacker Assistant Compliance Officer
 Christopher Vigale..... Assistant Compliance Officer
 Milene Matos Assistant Compliance Officer
 Joseph Barish Assistant Compliance Officer
 Monica Triplin-Nelson..... Technical Assistant
 Elizabeth A. Michael..... Technical Assistant
 Desiree DeVito..... Technical Assistant
 Michel Donato-Suarez..... Clerk
 Linda Lopez Clerical Assistant

Special Programs

Christine Clevenger.....Special Programs Analyst
 Laura Jurkiewicz.....Special Programs Analyst
 Scott M. Fagerty.....Special Programs Analyst

Gubernatorial Public Financing Program

(Temporary Staff)

Jennifer Kirby Public Financing Analyst
 Ivette Franco..... Public Financing Analyst
 Eric Solomon Public Financing Analyst
 David Pennant..... Public Financing Analyst
 Elias J. AmayaInformation Technology Specialist

LAW DIVISION

Legal

Carol L. Hoekje, Esq. Legal Director
 Gail L. Shanker, Esq. Associate Legal Director
 Michelle R. Levy, Esq. Associate Legal Director
 Amanda Haines, Esq.Assistant Legal Director
 Theresa J. Lelinski, Esq.Assistant Legal Director

Review and Investigation

Shreve E. Marshall, Jr.Director
 Brett Mead..... Senior Review Officer
 Christopher Gear, M.P.A.... Associate Review Officer
 Matthew Krinsley Assistant Review Officer
 Lovinsky Joseph..... Assistant Review Officer

OPERATIONS DIVISION

Information Technology

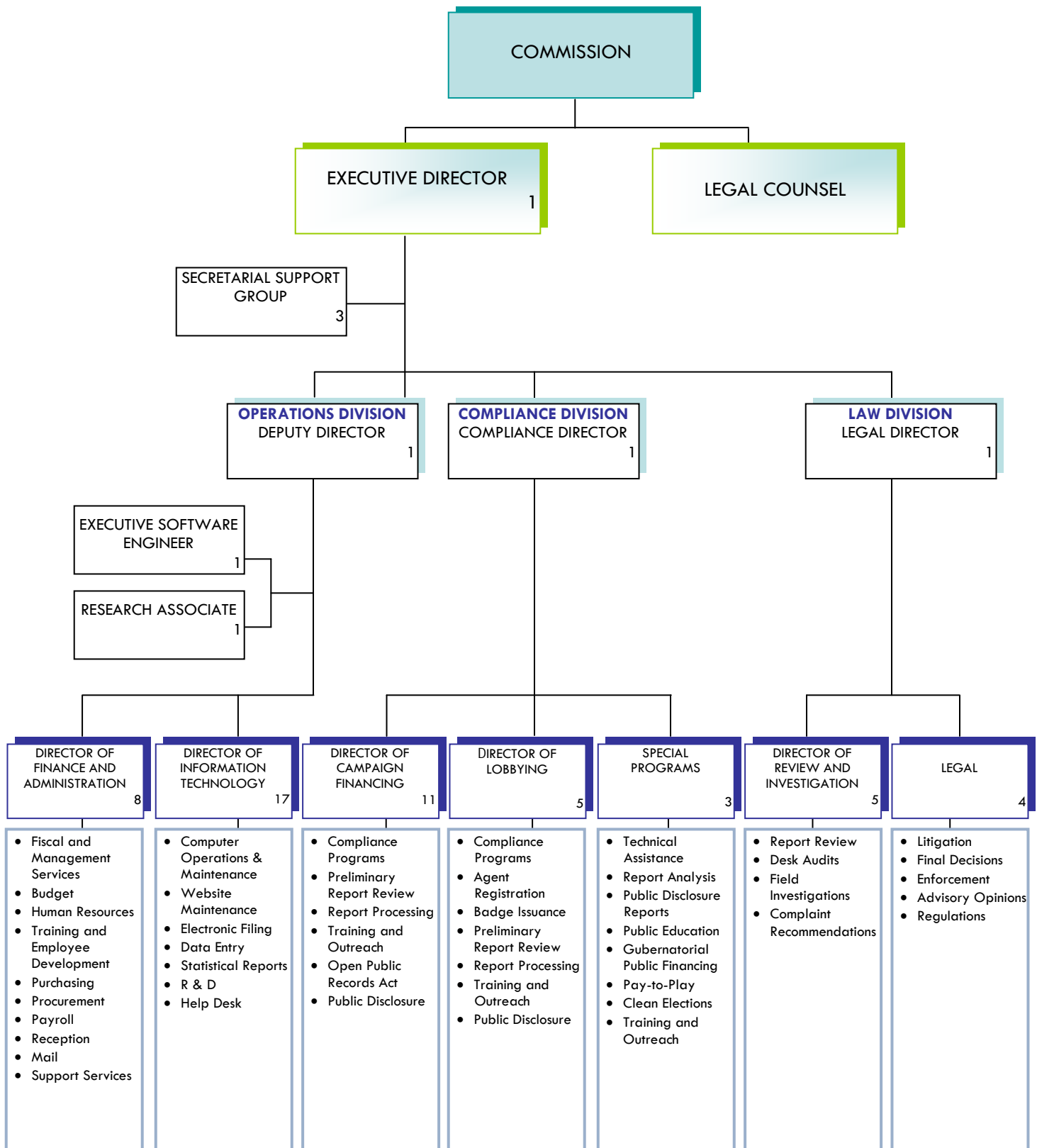
Carolyn Neiman.....Director
 Kim Roman Associate Director
 Brian Robbins..... Executive Software Engineer
 Anthony Giancarli..... Associate Systems Administrator
 Aydan A. Altan.....Assistant Software Engineer
 Ken Colandrea Assistant Computer Technician
 Maryanne Garcia.....Principal Webmaster
 Louis Solimeo Associate Computer Technician
 Peter PalaitisAssociate Help Desk Technician
 Brenda A. Brickhouse Data Entry Supervisor
 Darlene KozlowskiAssistant Data Entry Supervisor
 Shirley R. Bryant Senior Data Entry Technician
 Nelly R. Rosario.....Associate Data Entry Technician
 Barbara Counts.....Associate Data Entry Technician
 Pamela Kinsey..... Associate Data Entry Technician
 Helen KellyAssociate Data Entry Technician
 Susan Danley Assistant Data Entry Technician
 Tamico FlackData Entry Technician

Finance and Administration

Christopher MistichelliDirector
 Elaine J. Salit Senior Fiscal Officer
 Judy Sheridan Personnel Officer
 Tamika McCoyAssist. to Admin. & Finance
 Debra A. KostivalPrincipal Receptionist
 Irene ComisoSenior Receptionist
 Aracelis Brown.....Senior Clerk
 Igor Milewski Clerk



TABLE OF ORGANIZATION





MESSAGE FROM THE CHAIRMAN

During 2012, the Commission issued an important report involving the Gubernatorial Public Financing Program. This report, known as the “2013 Cost Index Report,” utilized a unique formula devised by the Commission to determine the contribution limits and various thresholds applicable to the program. The formula, which is part of the law, also provides for the inflationary adjustments of non-gubernatorial thresholds and recommended non-gubernatorial contribution limits.

The Gubernatorial Public Financing Program has been in existence since 1977. The Commission has always taken its administrative duties seriously. And this year is no different.

As the end of 2012 drew to a close, ELEC began preparations for the 2013 primary and general elections. In addition to hiring and training staff to oversee the program, a “Gubernatorial Public Financing Guide” was again prepared and is available to potential candidates and treasurers both online and in print. Moreover, the Commission’s trained public financing staff is available to take phone calls and to guide participants through the process.

Preparing for the upcoming gubernatorial contest is certainly an important task of the Commission. However, it was but one of many important actions taken by the Commission last year.

There can be no more important task of the Commission than its efforts in the area of computer technology. Information Technology (IT) is at the heart of the Commission’s attempts to shed light on the electoral and governmental processes.

Despite budgetary restraints, the IT staff not only maintained the same level of services as in the past but in important ways improved upon them. For example, for the first time lobbyists were able to file annual financial reports electronically. While

introduced on a voluntary basis in 2012, lobbyists will be required to electronically file their reports this year.

Additionally, the gubernatorial electronic filing software was upgraded and improved. Similarly, work was undertaken to enhance electronic filing software for non-gubernatorial candidates.

There is no question but that the Commission’s computer system needs to be modernized. Both FileNet software and the ELECTrack platform need upgrading as they are more than 13 years old.

While significant funding is needed to accomplish these goals, the Commission is well aware of the budgetary restraints facing the State.

Therefore, the Commission will do all that it can on a piece-meal basis to ensure that its system keeps functioning and providing the public with adequate services.

In previous reports, I discussed the local contributor database. As one of the Commission’s recent innovations, it has proven to be a useful tool in bringing an expanded pool of campaign finance information to the public. This database permits the public to search and download information on individual contributors to municipal, county, and school board candidates. That pool of information has been expanded to include contributions to municipal and county party committees.

As noted above, this year is a gubernatorial and legislative election year. Not only past contributor data on gubernatorial and legislative candidates is available for searching, but the Data Entry staff will be busy keying contributor data on candidates participating in this year’s contest.



Ronald J. DeFilippis, Chairman



MESSAGE FROM THE CHAIRMAN continued

In addition to the above, pay-to-play filers file electronically, with their contracts and contributions disclosed publically in very quick fashion. Moreover, in addition to electronically filed lobbyist annual financial reporting, the Commission staff is working on enabling lobbyists to file quarterly reports electronically.

The Commission's core mission is disclosure. As such, the Compliance section continued pursuing the goal of enhancing compliance by candidates, parties, PACs, lobbyists, and public contractors. During 2012, the Compliance staff conducted 25 training seminars. The training seminars were held both in Trenton as well as in remote locations. Finally, with electronic filing for lobbyist annual reports becoming mandatory, 6 training sessions were conducted to help lobbyists become familiar with the software.

With regard to compliance with campaign finance, lobbying, and pay-to-play, staff provides helpful hands-on assistance to the public. Through seminars, via the telephone, or person-to-person contact, staff assists filers, the press, and the general public.

As much as ELEC's core mission is disclosure, it should not be forgotten that the Commission has civil jurisdiction over violations of the various laws it oversees. In fact, strong enforcement efforts enhance disclosure and the Commission is committed to ensure that the laws are complied with.

Partnering with sister law enforcement agencies to root out public corruption is an important responsibility of the Commission. The Commission, therefore, has made significant progress toward reducing an investigative backlog and shortening the time that it takes to have a violation prosecuted.

During 2012, the six member investigative staff, a staff that must monitor the entire State, completed 47 investigations that resulted in penalty recommendations.

Enforcement is also served by the Commission's Legal staff. The staff drafts, proposes, and promulgates regulations and prepares advisory opinions. Moreover, the Legal staff undertakes exhaustive legal research in preparation for defending the Commission and the Act in court.

During 2012 the Legal staff issued 95 complaints and 74 final decisions against candidates, lobbyists, and organizations in violation of the law.

A major concern within New Jersey is transparency in government. ELEC is an integral part of a broader State effort to ensure that the governmental, as well as electoral processes are open and full of light. During 2013, ELEC will continue to strive to not only equal the achievements of the past but to build upon them.

On behalf of the members of the Election Law Enforcement Commission, I submit this report to the Legislature.

"... ELEC has earned a reputation for being independent, fair and even-handed, as indicated by the fact that both parties tend to run to it with campaign financing complaints..." [The Trentonian](#), February 12, 2013.

Robert A. Nixon a lobbyist representing the Association of New Jersey Rifle and Pistol Clubs, at an Assembly State Government Committee hearing on March 14, 2013 commended ELEC, saying "They're always responsive and they do a great job with the resources they have."



EXECUTIVE DIRECTOR'S REMARKS

Over the course of four years, the Commission has made a concerted effort to enhance its profile in order to better serve the public interest.

There has been no easing off of this commitment in 2012, as the Commission aggressively pursued steps to keep New Jersey among the most transparent states in the union.

Part and parcel of this effort to shed light on the electoral and governmental processes is the Commission's ongoing pursuit of a policy agenda first prioritized in 2010.

One of the proposals involves the three S's of pay-to-play: simplification, standardization, and strengthening.

The Commission has consistently called for one state law, for an end to the fair and open provision, and increased disclosure.

In addition to this commonsense recommendation, the Commission has called for disclosure by outside, independent groups, disclosure of lobbying at the local level, and the curbing of party-affiliated PAC growth.

An added proposal calls for candidates to keep detailed records of who attends dinners or other events when using campaign funds to underwrite the costs of these outings.

Throughout 2013, staff will continue to highlight these proposals through columns, testimonies, analytical press releases, reports, and newsletters.

Without question, the analytical press releases and reports have served to bolster the agency's efforts to improve its name recognition.

Last year, a total 23 analytical press releases were published. These mini-reports analyzed pay-to-play, lobbying spending, and spending by local candidates, county party committees, legislative leadership committees, and state party committees.

Moreover, Political Action Committee (PAC) activity was analyzed.

In addition, the 2013 gubernatorial cost analysis report was completed. This report contains adjustments to the thresholds and limits applicable to the Gubernatorial Public Financing Program. It also recommends adjustments to non-gubernatorial contribution limits.

There is no more important task of the Commission and its mission of disclosure than its continuing efforts in the area of computer technology. Despite budgeting restraints, the Information Technology staff introduced new programs that will impact lobbying and the Gubernatorial Public Financing Program in positive ways.

Lobbyists will now file annual financial reports electronically and campaigns for governor will be facilitated by upgraded gubernatorial electronic filing software (GEFS).

While much needs to be done to upgrade ELEC's 15-year old technology architecture, the Commission will endeavor to make enhancements to the extent possible under current budgetary restraints.

In typical fashion, the Commission undertook significant efforts in the area of compliance. The Compliance Division aggressively reached out to the filing community, conducting numerous campaign financing, lobbying, and pay-to-play training sessions.



Jeffrey M. Brindle, Executive Director



EXECUTIVE DIRECTOR'S REMARKS *continued*

These seminars were conducted both on-site as well as off-site.

During 2012, approximately 29,257 reports were scanned and processed, with 17,554 reports photocopied for the public. Without question, the reduction in the number of photocopied reports is due to the Commission's website, which is replete with copies of all reports filed with the Commission and filled with invaluable information about campaign financing and lobbying issues.

Finally, as is customary, the efforts of the Compliance Division resulted in a filing compliance rate exceeding 90 percent.

ELEC's efforts to provide strong enforcement was advanced by the Law Division in 2012 as well. As is customary, much of the Legal staff's time was consumed with researching and drafting advisory opinions and regulations.

A total 95 complaints and 74 final decisions were prepared and issued by the Legal staff against entities violating campaign financing and lobbying laws. Moreover, the Legal staff's efforts in litigating high profile cases was unmatched by any previous year's efforts.

The Commission's Review and Investigation Section completed 47 investigations, more than twice as many than in the previous year. Further, a tremendous effort was put in to eliminate a lingering backlog due to the vacancy in the director position back in 2011. All in all, these activities were invaluable in fostering a climate whereby a high degree of compliance exists.

In conclusion, the Commission continued to maintain, and even to improve upon its record of providing services to the public in 2012.

For this, kudos go toward the entire staff for their ongoing professionalism and desire to serve the public interest. Further, the support of the Commissioners has been invaluable in terms of ELEC's ongoing efforts to continually enhance its stature among New Jersey's citizens.

The Commission is a four member bi-partisan commission that is statutorily independent and autonomous. Its reputation nationally as a neutral arbitrator of all things campaign finance, lobbying, and pay-to-play is taken seriously by all concerned.

Again in 2012, the Commission and staff upheld this long established tradition of non-partisanship and fair play.

Last year, a total 23 analytical press releases were published. These mini-reports analyzed pay-to-play, lobbying spending, and spending by local candidates, county party committees, legislative leadership committees, and state party committees.

Moreover, Political Action Committee (PAC) activity was analyzed.

In addition, the 2013 gubernatorial cost analysis report was completed. This report contains adjustments to the thresholds and limits applicable to the Gubernatorial Public Financing Program. It also recommends adjustments to non-gubernatorial contribution limits.



LEGISLATIVE REVIEW & RECOMMENDATIONS

A wide array of campaign finance and lobbying issues, including several raised by the NJ Election Law Enforcement Commission, drew legislative attention during the past year.

Senator Samuel Thompson (R-12) introduced legislative budget resolution 4357 recommending a \$2 million appropriation to enable ELEC to modernize its computer software and hardware. Some of the agency's key computer infrastructure is more than a decade old. While agency staff has done a good job keeping it operational, Senator Thompson's appropriation would ease the threat posed by creeping obsolescence.

A bill (S-2585) co-sponsored by Senators Jim Whelan (D-2) and Linda Greenstein (D-14) would require lobbyists to disclose their efforts to influence local government officials. Current law requires lobbyists to make public only their contacts with state officials. ELEC has recommended expanded disclosure since 2010. The bill won unanimous, bipartisan approval from the Senate State Government, Wagering, Tourism and Historic Preservation Committee in February, 2013.

Another bill (A-3926), sponsored by Assemblywoman Linda Stender (D-22), would end printed statements by gubernatorial candidate and instead require that these statements be posted online by ELEC and county clerk offices. A similar bill has been introduced by Senators James Beach (D-6) and Jeff Van Drew (D-1).

The bipartisan Commission made this recommendation because the availability of the Internet makes it unnecessary for county clerks to send voters printed materials each gubernatorial election. Phasing out the printed statements would save state taxpayers several hundred thousand dollars since the cost is borne by the state budget.

Identical bills (A-3863/S-2616) co-sponsored by Assemblyman Reed Gusciora (D-15), Assemblywoman Stender, and Senator Shirley Turner (D-15), addresses an issue raised by ELEC since 2010. It would require more disclosure by groups that make election-related expenditures independently of candidates during campaigns. The Assembly version was reported out of the Assembly State Government Committee by a vote of 3-0 with two abstentions in March, 2013.

Under current New Jersey law, independent groups that sponsor ads directly urging voters to support or defeat candidates must disclose only their expenditures. Those conducting more indirect issue-related attacks may have to file "grassroots lobbying" reports, but not until three months after the elections.



Joseph W. Donohue, Deputy Director

Under the legislation, Super PACs, and non-profit groups organized under Chapters 527 and 501(c) federal tax statutes, would be required to disclose their contributions and expenditures for all types of communications involving state or local elections in New Jersey.

These so-called "outside" groups spent nearly \$1.1 billion in the 2012 federal elections- more than triple the amount spent during the previous presidential election year. They also spent at least \$14 million in the 2009 gubernatorial campaign, and \$1.3 million in the 2011 legislative campaigns.

While most of these groups eventually divulged spending totals, most did not name the donors that provided funds for the New Jersey elections, nor did they detail their expenditures in the state.

Other bills introduced during the past year also incorporated ELEC recommendations.

One bipartisan bill (A-3009) co-sponsored by Assemblywomen Amy Handlin (R-13) and Valerie Vainieri Huttel (D-37) would require candidates to keep detailed records of how campaign funds are spent for the ordinary and necessary expenses of holding public office.

Legislation (A-3340) proposed by Assemblyman Ruben Ramos, Jr. (D-33) would require school board candidates to file A-1 forms if they spend less than \$4,500; lengthen the terms of commissioners to 6 years; end printed gubernatorial ballot statements; and change the personal financial disclosure form deadline for candidates to May 15.

Other proposed bills not specifically addressed by ELEC recommendations potentially could affect the agency.



LEGISLATIVE REVIEW & RECOMMENDATIONS continued

Assemblymen Ronald Dancer (R-12), Gary Chiusano (R-24), and Wayne DeAngelo and Daniel Benson (both D-14), proposed a bipartisan bill (A-3112) that would require candidates who are accused or convicted of a crime to return their campaign contributions and have their campaign funds frozen. A companion measure (S-2687) was introduced by Senator Greenstein.

Another bipartisan bill (S-598), co-sponsored by Senators Jennifer Beck (R-11) and Ronald Rice (D-28), would prohibit a local officer or employee from lobbying before any body of the municipality where that person serves.

Senate Minority Leader Tom Kean (R-21) and Senator Michael Doherty (R-23) co-sponsored a bill (S-1917) to impose the same contribution limits, disclosure requirements and contract conditions on labor unions that most other public contractors face under state pay-to-play laws.

Another pay-to-play bill (S-2584), co-sponsored by Senators Barbara Buono (D-18) and Greenstein, permits the waiver of the so-called "lookback" restrictions on contributions by contractors so emergency-related contracts can be awarded quickly. However, it clarifies that pay-to-play restrictions apply after the award of such contracts. The bill won approval of the Senate State Government, Wagering, Tourism and Historic Preservation Committee 3-0 with two abstentions in March 2013.

(A-3012/S-2005) co-sponsored by Assembly members DeAngelo, Benson and Vincent Prieto (D-32), and Senator Greenstein, would require any non-federal elected office holder in the state who creates a legal defense fund to file reports with ELEC detailing all contributions and expenses. The bill further applies state contribution limits and pay-to-play restrictions to legal defense funds.

The Assembly in October 2012 passed by a 49 to 23 vote (with 6 abstentions) a resolution sponsored by Assemblyman Herb Conaway Jr. (D-7) urging Congress to consider amending the U.S. Constitution in response to the Citizens United v. FEC ruling of 2010. The ruling allowed unlimited independent campaign spending by corporations and unions for the first time since 1947.

One Commission recommendation has been modified since last year.

Commission staff concluded that ELEC has the authority to post candidate personal financial disclosure forms online and have adopted regulations allowing such postings. The Commission continues to recommend that the forms be filed on May 15, the same day that executive branch officials and legislators are required to file similar reports with the state Ethics Commission and the Office of Legislative Services, respectively.

PRIORITY RECOMMENDATIONS

Requiring school board candidates to file candidate certified statements (A-1 forms) if they raise no contributions or make no expenditures.

Potential Benefit: School board candidates are the only candidates except for write-in candidates who are not required to make such a declaration. Given that spending on school elections grew steadily during the past decade, fuller disclosure by candidates seems warranted.

Expand the 48-hour notice requirement for continuing political committee (PACs) expenditures to require that they file notices for expenditures made to May Municipal, Runoff, School, and Special Elections.

Potential Benefit: More disclosure, since an increasing amount of money is being spent on local elections.

When candidates spend campaign funds on dinners or other meetings, they must keep detailed records about who attended the event, what was purchased and why they considered the expense "ordinary and necessary."

Potential Benefit: More disclosure for the public and less chance that a candidate will misuse campaign funds for personal use.

Disclosure of Super PAC, 527 and 501(c) committee activity.

Potential Benefit: Super PACs and non-profit groups organized under Section 527 and Section 501(c) of the IRS code have become active players in political campaigns nationally and in New Jersey. Yet, disclosure by these groups is woefully inadequate.

Simplifying and standardizing "pay-to-play" laws by prohibiting business entities from entering county or municipal contracts above \$17,500 if they make certain political donations.



LEGISLATIVE REVIEW & RECOMMENDATIONS continued

Potential Benefit: Extending the prohibition that applies to state contractors to county and municipal contractors should greatly reduce the “pay-to-play” influence of business entities.

Expand the regulation of “wheeling” to include contributions by county political party committees to other county political party committees during the entire year to avoid circumvention of the contribution limits.

Potential Benefit: This will avoid intentional or unintentional evasions of contribution limits. Currently, there is no limit on transfers between county party committees during the general election.

Require lobbying activity on behalf of government agencies to be disclosed by registered lobbyists.

Potential Benefit: Wider disclosure could help discourage unnecessary spending by public entities and provide more transparency over governmental activities.

Broaden the governmental activities law to include lobbying of local governmental entities.

Potential Benefit: These changes would dovetail with current pay-to-play disclosure rules that are intended to prevent contractors from exerting undue influence over public officials. Local vendors who make political donations must report them to ELEC if they have major government contracts. They are not required to disclose any indirect influence they exert through lobbyists. A new disclosure requirement would fix that oversight.

Change the filing date for personal financial disclosure statements to improve efficiency.

Potential Benefit: Personal financial disclosure forms of candidates discourage conflicts of interest by revealing information about the wealth and assets of those who seek elected office. Providing candidates with more time in which to carefully complete these forms, along with a less confusing due date, will enhance compliance and disclosure with the law.

Discourage the proliferation of affiliated PACs in New Jersey.

Potential Benefit: This legislation would make it more difficult for groups and individuals to evade the

contribution limits and “pay-to-play” laws by establishing multiple PACs.

OTHER INITIATIVES

Cost Savings and Efficiencies

- Delete the statutory requirement that a candidate file a copy of every election fund report with the county clerk in the county where the candidate resides.
- Eliminate the gubernatorial spending qualification threshold.
- Lengthen Commissioner terms to six years from three years and select the Commission Chair for a fixed term.
- Reallocate funds in the Commission’s public financing budget that traditionally were used for printing gubernatorial ballot statements for paid advertising of the mandatory gubernatorial debates.

Strengthen Campaign Finance, Personal Financial Disclosure and Lobbying Laws

- Enact legislation that gives statutory force to Commission prohibition against the use of campaign funds to pay legal bills that arise from criminal allegations.
- Enhance penalties for impermissible use of candidate committee funds.
- Conform the penalty provisions of the Personal Financial Disclosure law to the “New Jersey Campaign Contributions and Expenditures Reporting Act” (Campaign Act).
- Require disclosure of occupation and employer information for contributions from individuals in excess of the \$300 disclosure threshold on reports filed by an Inaugural event committee.
- Increase the penalties for public financing violations to conform to penalties for other Campaign Act violations because the public financing penalty amounts have not been changed since 1974.
- Conform the penalty provisions of the Lobbying Disclosure law to those of the Campaign Act.
- Ban the use of partnership funds for the purpose of making contributions.
- Require that the name given to a candidate’s campaign depository account contain the name of the candidate.
- Require grassroots lobbying materials to list the name and address of the committee that paid for them.



COMPLIANCE DIVISION

COMPLIANCE SECTION

ELEC's compliance division rarely has a quiet year, and 2012 was no exception.

While there was no gubernatorial race, and only a handful of special legislative elections, staff still processed reports filed by thousands of candidates running in school board, fire district, May Municipal, June runoff and local primary and general elections.

At the same time, staff was gearing up for the 2013 election, which will be highlighted by a campaign for governor, a showdown over all 120 legislative seats plus thousands of local races.

political committees (also known as PACs) filed thousands of additional reports with the Commission. Like the candidate reports, these were scanned and readied for public review.

Counting reports from candidates, committees, and lobbyists who must disclose their contributions, the Commission received 27,144 reports during 2012- a decrease of nearly 14 percent in a year with no major state elections.

Governmental affairs agents (lobbyists) and represented entities also filed reports with the Commission. The average number of registered governmental affairs agents last year was 929. Those agents filed 6,276 reports during the past year.



From left: Joseph Barish, Bettie Michael, Monica Triplin-Nelson, Todd Wojcik, Linda White, Maite Hopkins, Nancy Fitzpatrick, Kim Key, Christopher Vigale, Danielle Hacker, Marcus Malmignati, Linda Lopez, Milene Matos, Titus Kamal, Michel Donato-Suarez, Desiree DeVito, and Amy Davis.

Compliance

More than 6,828 candidates and committees filed reports in 2012. These reports were filed electronically or scanned to the website where the public, media, candidates and others also could benefit from prompt disclosure.

In addition, political party committees, legislative leadership committees and continuing

The compliance staff updated all manuals, which are available on ELEC's website.

Lobbyists and represented entities filing 2012 annual reports were required for the first time to submit those reports electronically. The switch from paper to digital documents generally went smoothly.



COMPLIANCE DIVISION continued

The Compliance Division did an outstanding job of promoting compliance with state disclosure laws during the past year. Staff members used direct mail, telephone assistance, seminars, and consultations to achieve this success. Routine reminder and delinquent filing notices were mailed out to candidates, treasurers and governmental affairs agents prior to and following important filing dates. Staff answered 6,501 telephone calls from the regulated community and provided immediate assistance with filing questions.

The number of registered continuing political committees, better known as PACs, increased by 34 from 2011 to 1,812.

A critical component of the Compliance Division's effort was the informational seminars conducted over the past year. Staff held 25 seminars for treasurers, candidates, PACs and lobbyists. The better ELEC filers understand Commission rules, the more likely they will abide by them.

To further achieve that end, ELEC employees, in a collaborative effort by compliance and IT staff, completed a new interactive online presentation to guide candidates through compliance requirements.

Strict adherence to the Open Public Records Law (OPRA) is an important priority for the Commission, both in terms of assistance to filing entities and to the cause of transparency in government. The Compliance staff responded to 40 OPRA requests resulting in 17,554 photocopies of records.

SPECIAL PROGRAMS SECTION

Gubernatorial Public Financing Program

One of the biggest responsibilities of the Special Programs Section staff is to administer New Jersey's publicly-financed gubernatorial election. ELEC not only monitors and makes public campaign finance activity of all gubernatorial candidates, but the agency also oversees a program that provides public funds to candidates who agree to limit their spending.

Candidates for governor file electronically through the Gubernatorial Electronic Filing System (GEFS). Analysts tested and updated that computer software before the start of the public finance program.

The manual for publicly financed gubernatorial candidates was revised to include inflation-adjusted limits and thresholds that are mandated every four years and contained in the agency's Cost index Report. ELEC Legal and Compliance staff also worked together to update relevant regulations.

Within the Special Programs Section, which implements the gubernatorial public finance program, the agency hired and trained four analysts and one information technology specialist. Several meetings already have been held with candidates or potential candidates to help them understand campaign requirements.

Pay-to-Play

Approximately 2,113 business entities filed the Business Entity Annual Disclosure Statement (Form BE) that disclose any public contracts they hold and political contributions they made to New Jersey candidates and committees. The reports filed every March 30th are the major part of State efforts to deter corruption.

Last year, the reports disclosed 23,249 public contracts totaling \$5.3 billion. Business entities also disclosed \$9.6 million in contributions by public contractors. The Special Programs staff provided filing assistance, conducted training seminars and answered questions regarding the law.

Information about pay-to-play activity also is provided by the Commission on its website and can be accessed through a variety of search methods. The goal is to provide New Jersey citizens with detailed information about the political practices of public contractors.



COMPLIANCE DIVISION continued

Assisting Law Enforcement

Following a long-standing practice, the staff provided important assistance in 2012 to the U.S. Attorney's Office, the FBI, the Attorney General of New Jersey and other law enforcement agencies with regard to investigations that involved issues of campaign financing, lobbying or pay-to-play.

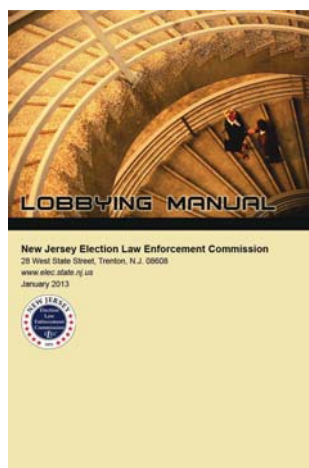
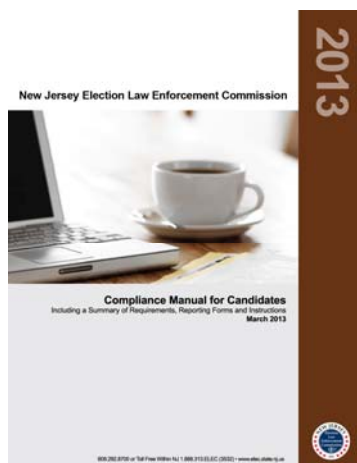
Conclusion

In 2012, the Compliance Division continued its commitment to providing support and assistance to the regulated community through its educational outreach and training programs. Public disclosure of reports in a timely fashion remained a top priority, and the staff largely fulfilled this mission.

It did so with the sort of courtesy and professionalism that has helped the Commission maintain its reputation as one of the most constituent-friendly agencies in state government.



Front Row: Jennifer Kirby, Amy Davis, and Elias J. Amaya. Back Row: Ivette Franco, Lou Solimeo, Scott M. Fagerty, David Pennant, Eric Solomon, Laura Jurkiewicz, and Christine Clevenger.





LAW DIVISION

LEGAL SECTION

The Legal Section's work in interpreting and enforcing the law, is an essential element of effective administration of the Commission's campaign and lobbying financial disclosure responsibility. The Legal Section is responsible for preparing advisory opinions and regulations, and interpreting and enforcing the disclosure laws under the jurisdiction of the Commission. Complaints, final decisions, advisory



From left: Theresa J. Lelinski, Gail L. Shanker, Carol L. Hoekje, Michelle R. Levy, and Amanda S. Haines.

opinions, and regulations are posted on the Commission's website, thereby providing the public with timely and convenient access to legal resources. The Legal Section staff also provides guidance to the Commission staff concerning the law and the regulations. Since 2012 was the year preceding a publicly financed gubernatorial election, the Section was involved in the preparation of new rules for the gubernatorial primary and general elections in 2013, as well as rules for the implementation of the cost-index adjustments concerning both the gubernatorial and non-gubernatorial provisions of the Reporting Act. The Legal Section also continued to provide guidance to the investigative section in questions concerning investigative legal issues and to monitor legislation of potential interest to the Commission.

Complaints

The Reporting Act authorizes the Commission to bring complaints proposing monetary penalties against violators of the Act. The civil complaint procedure is therefore a vital tool in obtaining compliance. Beginning with an inventory of 70 open complaint cases open at the end of 2011, the Legal Section issued 95 new complaints in 2012, and closed 74 cases during the year, leaving a total of 91 cases open as of the beginning of 2013. Twenty-five complaints were issued for nonfiling in the 2010 general election, 61 complaints for nonfiling in the 2011 primary election, and two complaints for nonfiling in the 2011 municipal election. These are relatively small numbers considering that in 2012 approximately 6,828 candidates filed reports with the Commission. The Legal Section also issued seven complaints as a result of investigative reports. These complaints ranged from relatively minor violations such as late and nonfiling of contribution and expenditure information by municipal political party committees and candidates in municipal school board elections to more complex violations and higher amounts of financial activity identified and analyzed by the Review and Investigation Section. The Legal Section workload also included discovery matters in cases pending before the Office of Administrative Law and witness and other preparation for scheduled administrative hearings.

Final Decisions

At the conclusion of each case in which it has issued a complaint, the Commission issues a final decision, which may impose monetary penalties. The Commission issued 74 Final Decisions in 2012 for campaign finance violations. A total of \$101,506.92 was received in fines, including amounts received as payable in cases from earlier years. All complaints and final decisions are posted on the Commission's website.



LAW DIVISION continued

Other Litigation

Deputy Attorney General Brian O. Lipman continued to ably represent the Commission in a civil action filed by the Office of the Attorney General on May 25, 2011. New Jersey Election Law Enforcement Commission v. Sharpe James, Cheryl Johnson, and Election Fund of Sharpe James, Docket No. C-131-11 (N. J. Super.Ct. Ch. Div. 2012). The Commission's Legal Section as well as Director of Review and Investigation Shreve E. Marshall continued to assist in the prosecution of this case. The two-count Complaint alleged: 1) five violations of the New Jersey Campaign and Expenditures Reporting Act, arising from five expenditures for the purpose of criminal defense as impermissible under the Act; and 2) a breach of fiduciary duty owed to contributors. Following extensive discovery in calendar year 2012 the Commission by DAG Lipman moved for summary judgment. On August 23, 2012, the Hon. Harriet Farber Klein, J.S.C., entered an Order granting summary judgment to the Commission and denying Defendants' cross-motion for summary judgment. The Order further requires Defendants to be permanently enjoined from making any additional expenditures from the Election Fund of Sharpe James in violation of the [Reporting] Act, repayment to the Election Fund of \$94,004.08, and statutory civil penalties pursuant to the Reporting Act totaling \$30,000. The Defendants are appealing the Order.

In a significant case discussed in the 2011 Annual Report, the Appellate Division issued a decision on February 7, 2012, finding that the Commission has exclusive jurisdiction over Reporting Act violations, and primary jurisdiction over contribution limit violations. Margaret Nordstrom v. William "Hank" Lyon, A-0291-11T1. Legal Director Hoekje appeared before the appellate panel on January 19, 2012 to represent the Commission as intervenor in the case. The Appellate Division upheld the Commission's authority to enforce the Campaign Act and reversed the lower court's decision to nullify primary election results as based upon the court's mistaken exercise of jurisdiction over Reporting Act violations.

At the close of the 2012 calendar year, the Legal Section also represented the Commission in defense of a lawsuit brought in the Superior Court challenging a Commission response to a request pursuant to the Open Public Records Act (OPRA). William J. Brennan v. Election Law Enforcement Commission et al. Docket N. MER-L-1850-12 (Hon. Mary C. Jacobson, A.J.S.C.)

Regulations

The Commission uses its rulemaking authority to clarify statutory requirements and to provide guidance to filing entities and the public. The official text of the Commission Regulations is prepared by the Office of Administrative Law, and appears in the New Jersey Administrative Code at N.J.A.C. 19:25-1.1, et seq. The text of the Regulations is also posted on the Commission's website.

Rulemaking activity by the Legal Section and the Commission in calendar year 2012 resulted in the adoption by the Commission of new rules and amendments concerning the mandatory electronic filing of lobbying annual reports, the posting on the Commission's website of the Personal Financial Disclosure Statement filed by gubernatorial and legislative candidates, amendments to the gubernatorial public financing regulations in Subchapters 15 and 16, primarily inserting references to the candidates for lieutenant governor, and the cost index adjustments of expenditure, qualification, contribution limits and other thresholds for gubernatorial candidates, and filing thresholds for non-gubernatorial candidates and committees. The cost index adjustments are required by the Reporting Act to be made every four years, and follow the calculation of such adjustments issued in the Cost Index Report, discussed elsewhere in this Annual Report.



LAW DIVISION continued

Advisory Opinions

To provide guidance to the regulated community, the Act authorizes the Commission to issue opinions regarding legal requirements under the Commission's jurisdiction that may impact future campaign or lobbying activities. These advisory opinions are issued to individuals having standing and are posted on ELEC's website. The Commission issued two Advisory Opinions in calendar year 2012.

Advisory Opinion 01-2012 concerned the contemplated making of independent expenditures in New Jersey elections. The National Association of Realtors (NAR) inquired whether or not the making of independent expenditures by the NAR Fund, a segregated account registered with the Internal Revenue Service as a political organization under Section 527 of the Internal Revenue Code., would result in filing obligations as a political committee, and if so, whether or not the contribution limits would apply to its activity as a political committee. The Commission discussed whether or not the NAR Fund making independent expenditures would also incur a filing obligation as a political committee by exceeding the \$2,100 threshold for filing as a political committee pursuant to the definitions at N.J.S.A. 19:44A-3i and N.J.A.C. 19:25-1.7. The Commission determined that the NAR Fund's contemplated activity is reportable as independent expenditures only and not as a political committee. The NAR Fund, filing as an entity making an independent expenditure, would be required to report expenditures but would not be subject to limits on contributions received, nor to the registration and reporting requirements applicable to political committees. The Commission found several factors determinative in its opinion that the contemplated activity will not result in a filing obligation as a political committee in New Jersey, including the absence of fundraising from outside sources, and the lack of specific evidence that the major purpose of the NAR Fund as established is to engage in the making of expenditures to support or oppose a candidate in a New Jersey election through the pooling of resources with an affiliated entity.

Advisory Opinion 02-2012 concerned the permissible use of campaign funds for legal fees in the appeal of a civil action brought by the Commission for violations of the Reporting Act. The civil action itself concerned the alleged impermissible use of campaign funds for expenditures for criminal defense by an officeholder (See discussion above in other litigation). The Court granted the Commission's motion for summary judgment, and the Defendants, the Election Fund of Sharpe James, Sharpe James, and Cheryl Johnson, intended to appeal. Before expending campaign funds for legal fees in connection with appeal of the Order, they asked the Commission for an Advisory Opinion that such use is permissible under the Reporting Act and Commission regulations. Commission regulation N.J.A.C. 19:25-6.10 specifically provides as an example of permissible use of campaign funds for reasonable legal fees and expenses, the defense of a candidate or officeholder in a civil action alleging a violation of the Reporting Act, see N.J.A.C. 19:25-6.10(a)3. Since the summary judgment order which the Requestors intended to appeal was issued in such a civil action, the Commission advised that the proposed use was permissible.

Conclusion

Interpreting and enforcing the provisions of law are critical elements of effective administration of the campaign and lobbying financial disclosure entrusted to the Commission and to its Legal Section. The Section's staff consists of four attorneys and the Director. Despite less than optimum staffing, the Legal Section continues to meet its challenges in a professional and responsible manner, to enforce the laws fairly and uniformly, and to treat all Respondents with the due process they are afforded under the law.

REVIEW AND INVESTIGATION SECTION

The Review and Investigation Section, when coupled with the efforts of the Legal Section, continues to be the “enforcement” within the Election Law Enforcement Commission (ELEC). The Review and Investigation Section, which is made up of a Director and four investigators, is charged with ensuring complete and concise disclosure by the thousands of campaigns, continuing political committees, political party committees, lobbyists, and business entities that report to ELEC.

While members of the Review and Investigation Section can review only civil matters, they regularly assist other law enforcement agencies such as the F.B.I and the Attorney General’s office in criminal investigations.

Requests for Investigation

Members of the public have the ability to Request an Investigation relating to an alleged violation of the Campaign Reporting Act, Legislative Activities Disclosure Act, or Pay-to-Play by downloading the form from the Commission’s website. The complainant should provide as much evidence as possible relevant to the alleged violation such as photographs of signs, copies of campaign literature, or explicit explanations of the alleged violations. This enables staff to make informed decisions and consider all aspects of the alleged violation in the context of the reporting requirements. However, the complainant should be aware that Requests for Investigation that are received via facsimile will not be accepted by staff. Requests for Investigation must be sent by mail to the Commission.

In calendar year 2012, the Review and Investigation Section received and responded to 155

requests for investigation. Out of these requests, 108 requests for investigation were presented to the Commission to determine whether or not an investigation should be opened. Some of the allegations concerned the failure to include a political identification on campaign literature or campaign solicitations, and the failure to file reports. As a result of these requests, the Commission opened



From left: Matthew Krinsley, Lovinsky Joseph, Christopher Guear, Brett Mead, and Shreve Marshall.

46 new investigations.

The Commission did not have jurisdiction in 17 of these matters. An additional 30 requests for investigation were handled administratively by staff and resolved to the complainants’ liking prior to presenting them to the Commission for consideration.

Investigations

As noted above, the Commission determined to open 46 new investigations. These investigations were the result of complaints from members of the public, internal audits, or a news articles. The Commission does not confirm the source of the allegation that resulted in the opening of an investigation.



LAW DIVISION continued

More importantly, the staff closed 47 investigations in 2012, with fifteen of them resulting in complaint recommendations. Many of these investigations were complex and sometimes involved the review of years of financial activity by a candidate or a committee. Some of the investigations closed by staff concerned the alleged non-filing of 48-hour notices, late filing of campaign reports, and late filing of contribution and expenditure information.

Staff also issued 19 subpoenas *duces tecum* to filing entities and financial institutions to obtain complete financial records relevant to campaign or organizational depositories to verify the information contained in reports already filed with the Commission or to assist the subject of the investigation with filing reports so that they comply with their filing requirements.


Administrative Hearing and Other Legal Support

In addition to the many duties mentioned above, the Review and Investigation Section also provides support to the Legal Section in preparing for a hearing at the Office of Administrative Law. The investigators also attend these hearings and appear on behalf of the Commission as a witness. These hearings take place when the respondent does not waive their right to such hearings.

The investigators also routinely review Commission records of candidates and entities participating in an election and have failed to file reports with the Commission. In 2012, staff referred to the Legal Section recommendations for issuance of 102 complaints for non-filing of reports. The complaint recommendations included 37 recommendations from 2010 general election and 68 recommendations from the 2011 municipal and primary elections.

Request for an Investigation – Form RFI

A request for investigation should be forwarded to the Commission to the attention of the Review and Investigation Section. The submitted request must provide the name and mailing address of the person submitting it, as well as a day and evening phone number. To access the form below, please visit www.elec.state.nj.us.

 <p style="text-align: center;">CONFIDENTIAL REQUEST FOR AN INVESTIGATION STATE OF NEW JERSEY NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION P.O. Box 185, Trenton, NJ 08625-0185 (609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532) Website: www.elec.state.nj.us</p>	FORM RFI																		
	FOR STATE USE ONLY																		
<p>The New Jersey Election Law Enforcement Commission ("ELEC") investigative authority is limited to violations of the Campaign Contributions and Expenditures Reporting Act, <u>N.J.S.A. 19:44A-1 et seq.</u>, the Personal Financial Disclosure Act, <u>N.J.S.A. 19:44B-1 et seq.</u>, and the Legislative and Governmental Processes Activities Disclosure Act, <u>N.J.S.A. 52:13C-18 et seq.</u> ELEC does not have jurisdiction over the conduct of an election, the balloting process, or misapplying public funds for election purposes.</p>																			
<p>Person(s) Bringing Request: (Please Print or Type)</p> <p>Name: _____ Daytime Phone: (____) _____</p> <p>Address: _____ Evening Phone: (____) _____</p> <p>_____ _____</p> <p>Name: _____ Daytime Phone: (____) _____</p> <p>Address: _____ Evening Phone: (____) _____</p> <p>_____ _____</p> <p>Name: _____ Daytime Phone: (____) _____</p> <p>Address: _____ Evening Phone: (____) _____</p> <p>_____ _____</p>																			
<p>Individual/Entity bringing request for an investigation: (Please list all persons/entities that are the subject of your request for an investigation.)</p> <table border="1"> <thead> <tr> <th>Candidate or Committee/Entity Name</th> <th>Office Sought/Election Type and Year</th> <th>Successful (select one)</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </tbody> </table> <p>Election District/Municipality _____ County _____</p> <p>Indicate which of the above entities files with ELEC _____</p> <p>_____</p>		Candidate or Committee/Entity Name	Office Sought/Election Type and Year	Successful (select one)	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
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OPERATIONS DIVISION

INFORMATION TECHNOLOGY SECTION (IT)

Overview of 2012

The trial year of the new Annual Lobbying Electronic Filing Program led to a very busy few months in early 2012 for the IT development staff. Although compliance was not mandatory last year, it was a chance to work kinks out of the system and staff made changes in response to feedback. Staff also provided other support services and, once the filing period was over, did a post-mortem and spent several months making further enhancements.

Another major focus of the IT development staff in 2012 was to find the best way to upgrade the outdated Short Form Efiling Program. Once in place, this project will make it even more convenient for candidates to electronically file the thousands of short forms received each year by the Commission, including A-1s. After several weeks of review, a preferred solution was chosen, and work began on the upgrade in January 2013. The staff also began research into ways to improve or replace the Commission's document management and legacy database applications. Those efforts were put on hold due to fiscal and time constraints.

Electronic filing remained a key priority for the IT Section in 2012. With the completion of the upgrade to the Gubernatorial Electronic Filing System (GEFS), staff started on the upgrade to the R-1 Electronic Filing System (REFS), the campaign finance component for legislative and local candidates filing the long form. The maintenance upgrade is expected to be completed by mid-2013.

The IT support team continues to provide help desk assistance for computer issues to Commission staff and to the public. They are available for help with the website and electronic filing. IT also provides statistical assistance for analytical news releases and the Commission's white papers. The video projects posted on YouTube are also the responsibility of the IT Section.

Data Entry Activities

In addition to keying thousands of contribution items not received electronically, the Data Entry staff

keyed the annual lobbyist reports for the final time. Starting with lobbying reports due in February 2013, electronic filing became mandatory. In 2012, information from those that were not received electronically were hand-entered into the agency's computer. Even last year's lobbying report workload was easier than in previous years due to the advent of electronic filing. The Data Entry staff are also responsible for issuing the Registration Number and PIN to electronic filers. The Registration and PIN numbers when combined together on an electronically filed report take the place of the filers' signature. In 2012, staff issued 1,280 registration and PIN number applications.



Front Row: Peter Palaitis, Lou Solimeo, Brian Robbins, and Ken Colandrea. Back Row: Carol Neiman, Shirley Bryant, Brenda Brickhouse, Anthony Giancarli, Darlene Kozlowski, Aydan Altan, Susan Danley, Pam Kinsey, Tamico Flack, Kim Roman, and Maryanne Garcia.

Strategic Planning for the Future

Each year updates are made to the Commission's strategic plan. The plan is used to prioritize improvements to its software and equipment. The to-do list in priority order at the end of 2012 includes replacement of the IBM/FileNet eForms (Short Form eFiling Program), updating the disaster recovery and backup system, a rewrite of the Commission's legacy database application (ELECTrack) and migrating off of the current IBM/FileNet Panagon imaging and document management platform. Work on the Short Form eFiling Program is projected to be completed by April 2013. ELEC hopes to enable electronic filing of other reports in the future, such as lobbying quarterly reports. However, due to the age of the Commission's computer software and hardware, the IT Section must focus on priority upgrades and may have to delay new electronic filing options.



OPERATIONS DIVISION continued

Log on to: view Reports; search for Contributors; obtain Treasurer Training education; secure Publications and Forms; access Complaints, Final Decisions, and Advisory Opinions; and, retrieve Campaign Financing and Lobbying Data from the past decade.

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STATE OF NEW JERSEY

NEW JERSEY CAMPAIGN FINANCING AND LOBBYING DISCLOSURE

ELECTION LAW ENFORCEMENT COMMISSION



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[Minutes Dating Back to 1973](#)

Interactive Campaign Seminar

ELEC-Tronic Newsletter

Issue 46, April 2013

Interactive Guide to Forms

Commission Meeting & Minutes

The New Jersey Election Law Enforcement Commission will have a meeting at 11:00 a.m. on Tuesday, April 9, 2013, at the Commission's office at 28 West State Street, 12th Floor, Trenton, New Jersey.

The Meeting Agenda is as follows.
[Read further>>](#)

News Releases

The New Jersey Election Law Enforcement Commission (ELEC) has announced the following disclosure calendar for reports filed by candidates and committees participating in the 2013 May Municipal Election. [Read further>>](#)

Public contractors reported making \$7.6 million in political contributions in 2012, a 23 percent drop from the year before, according to Jeff Brindle, Executive Director of the New Jersey Election Law Enforcement Commission.
[Read further>>](#)

Public Information

View reports and search the campaign finance database. [View Summary Expenditure data from governmental affairs agents' quarterly and annual reports and much more.](#)

For ELEC Filers

Browse for information about filing requirements, access forms, manuals, electronic filing options, contribution limits, training schedules and more.

Pay-to-Play

Summary information concerning Pay-to-Play laws. [Search and View](#) Business Entity Annual Statements.

Training Sessions

The Special Programs staff of the New Jersey Election Law Enforcement Commission is pleased to announce that it will be conducting training sessions on State "pay-to-play" laws. The sessions will be held at the Offices of the Commission located at 28 West State St., Trenton, N.J. and will last for approximately one to two hours. [Business Entity Training Reservation Form](#)

Legal Resources

Search and view complaints and final decisions, advisory opinions and regulations. Use the fill-in advisory opinion and investigation request forms.

About ELEC

Find information about ELEC, members and key staff, meeting and minutes, ELEC publications, press releases, agency news, related sites, and how to contact us. Browse through the "White Paper" series.



Hours of Operation
Monday-Friday
9:00 am-5:00 pm



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New Jersey Election Law Enforcement Commission, P.O. Box 185, Trenton, NJ 08625-0185
Tel. (609) 292-8700 or Toll Free within NJ 1-888-313-ELEC (3532)

OPERATIONS DIVISION continued

FINANCE AND ADMINISTRATION SECTION

During 2012, the Finance and Administration Section continued to play an integral role in the successful operations of the Commission by providing important management and employee services. Among the major areas handled and overseen by the Section are budget planning and analysis, purchasing/procurement, personnel and payroll



Front Row: Elaine Salit, Christopher Mistichelli, and Tamika McCoy. Back Row: Irene Comiso, Debra Kostival, Aracelis Brown, Judy Sheridan, and Igor Milewski.

administration, mail processing, and facilities management. Additionally, the Finance and Administration Section oversees copier, fax, and all other machinery maintenance for the entire Commission. Finally, reception services for the Commission are housed within the Finance and Administration Section. A great source of pride for all associated with the Commission is the fact that all telephone inquiries are still courteously and efficiently handled personally by a knowledgeable staff member, and are not simply forwarded to an answering machine or telephone menu.

Budget Administration

One of the major areas of responsibility for the Finance and Administration Section is the preparation, analysis, and management of the Commission's budget. This task has been affected by additional difficulties in recent years, and 2012 was no exception. As a result of the fiscal crisis facing the State, the Commission had to deal with continuing budgetary constraints throughout the year. The Commission's fiscal year 2013 Direct State Services adjusted appropriation of \$4.254 million was the same as the fiscal year 2012 Direct State Services adjusted appropriation. Thus, Finance and Administration Section staff continued to work to ensure the accurate budgeting and management of expenditures.

Certainly any fiscal constraints could potentially have had a negative impact on Commission operations, especially considering the Commission's commitment to fully implementing all of the reform and ethics laws passed during the last decade. During 2012, however, Finance and Administration Section staff worked tirelessly with other Commission Sections to ensure the efficient management of the budget and the purchasing of necessary supplies and services, in order to keep the Commission functioning at an optimal level.

Personnel Administration

Another major area of responsibility for the Finance and Administration Section is the coordination and management of personnel activities for the entire Commission. As with the administration of the budget, the personnel area has also been severely impacted by the fiscal crisis facing the State in recent years. Finance and Administration Section staff successfully worked with the Civil Service Commission during 2012 to comply with all State personnel rules and regulations.



OPERATIONS DIVISION continued

Other Activities

In addition to handling fiscal and personnel issues for the Commission, the Finance and Administration Section is also responsible for general administrative functions, such as reception, mail processing, overseeing machinery and equipment maintenance, and acting as the Commission's liaison with the building management company. During 2012 the Section continued to work, often times impacted by budgetary constraints, to maintain an atmosphere where all other Sections could focus solely on their respective roles within the Commission, without concern for these day-to-day administrative issues.

Conclusion

By providing important management and employee services in a timely and professional manner, the Finance and Administration Section has been an integral part of the Commission. During 2012, the Section operated within the parameters established by the Department of the Treasury and the Governor's Office, and continued to handle all responsibilities effectively.

In Fiscal Year 2014, the Commission anticipates an appropriation of \$4,254,000 based on the Governor's Budget Message.

**Comparison of Fiscal Years 2012 and 2013
Original DSS Appropriations**

	FY-2012 <u>Appropriation</u>	FY-2013 <u>Appropriation</u>
Personnel	\$3,848,000	\$3,821,000
Printing & Supplies	45,000	45,000
Travel/Training	5,000	5,000
Telephone	58,000	58,000
Postage	56,000	56,000
Data Processing	171,000	171,000
Professional Services	40,000	40,000
Other Services	30,000	30,000
OIT	11,000	11,000
Maintenance for Equipment	2,000	2,000
Furniture/Equipment	0	0
Commissioner Per Diem	<u>15,000</u>	<u>15,000</u>
Total Operational	\$4,281,000	\$4,254,000

2012 Evaluation Data

Disclosure Reports (Total).....	29,257
<i>Campaign & Quarterly</i>	20,868
<i>Lobbyist</i>	6,276
<i>Pay-to-Play</i>	2,113
Investigations	47
Complaints.....	95
Public Assistance Requests	9,463
Photocopies.....	17,554
Fine Collection	\$101,507
Lobbying Annual Fees.....	\$318,750
Campaign Fundraiser Annual Fees	\$11,000



*Henry Coslick
Research Intern*



*Jason Cabrera
Legal Intern*



STATUTORY HISTORY OF ELEC

- **Commission** created by P.L. 1973, c.83 (N.J.S.A. 19:44A-1 et seq.) – “The New Jersey Campaign Contributions and Expenditures Reporting Act” - effective date: April 24, 1973.
- **Gubernatorial Public Financing Program** established by P.L. 1974, c.26 (N.J.S.A. 19:44A-27 et seq.) - effective date: May 6, 1974.
- **Personal Financial Disclosure Program** established by P.L. 1981, c.129 (N.J.S.A. 19:44B-1 et seq.) - effective date: May 1, 1981.
- **Lobbying Program** established by P.L. 1981, c.150 (N.J.S.A. 52:13C-18 et seq.)-effective date: May 22, 1981.
- **Continuing Political Committee Quarterly Reporting** established by P.L. 1983, c.579 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: January 17, 1984.
- **Lobbying Reform** established by P.L. 1991, c.243 (amendments to N.J.S.A. 52:13C-18 et seq.) - effective date: January 1, 1992.
- **Campaign Finance Reform** established by P.L. 1993, c.65 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: April 7, 1993.
- **Street Money Reform Law** established by P.L. 1993, c.370, (codified as N.J.S.A. 19:44A-11.7) - effective date: January 7, 1994.
- **Uniform Recall Election Law** established by P.L. 1995, c.105, (codified as N.J.S.A. 19:27A-1 et seq.) - effective date: May 17, 1995.
- **Political Identification Law** established by P.L. 1995, c.391, (codified as N.J.S.A. 19:44A-22.2 and 22.3) - effective date: February 1, 1996.
- **Contribution Limit Changes** established by P.L. 2001, c.384 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: January 8, 2002.
- **Campaign Financing Reform Initiatives** established by P.L. 2004, c.19, 21, 22, 28, 29, 30, 31, 32, 33, 123, and 174 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective dates from June 16, 2004 through January 1, 2006.
- **Clean Elections Pilot Project** established by P.L. 2004, c.121 - effective date August 11, 2004.
- **Lobbying Law Expansion** established by P.L. 2003, c.255 (effective April 13, 2004) and P.L. 2004, c.20, 27, 34, 36, 37, and 38 (amendments to N.J.S.A. 52:13C-18 et seq.) - effective dates April 13 through August 16, 2004.
- **Pay-to-Play Contracting Reform** (amendments to N.J.S.A. 19:44A-1 et seq.) established by P.L. 2004, c.19 (codified as N.J.S.A. 19:44A-20.3 through 20.12) - effective January 1, 2006; P.L. 2005, c.51 (codified as N.J.S.A. 19:44A-20.13 through 20.25) - portions retroactive to October 15, 2004 and portions effective January 1, 2006; and, P.L. 2005, c.271 (codified as N.J.S.A. 19:44A-20.26 and 20.27) - effective January 5, 2006.
- **2007 Clean Elections Pilot Project** established by P.L. 2007, c.60 - effective date March 28, 2007.
- **Office of Lieutenant Governor** established by P.L. 2009, c.66 – effective date June 26, 2009.
- **Solicitation Ban on Public Property** established by P.L. 2011 c.204 – effective date January 17, 2012.



Elbia Zeppetelli and Renee Zach



ELEC OVERVIEW

1973

Frank P. Reiche, Chair
Judge Sidney Goldmann, Vice Chair
Judge Bartholomew Sheehan, Commissioner
Florence P. Dwyer, Commissioner

1974-1979

Frank P. Reiche, Chair
Judge Sidney Goldmann, Vice Chair
Josephine Margetts, Commissioner
Archibald S. Alexander, Commissioner

1980-1981

Judge Sidney Goldmann, Chair
Josephine Margetts, Vice Chair
Andrew C. Axtell, Commissioner
M. Robert DeCotiis, Commissioner

1982-1983

Andrew C. Axtell, Chair
M. Robert DeCotiis, Vice Chair
Justice Haydn Proctor, Commissioner
Alexander P. Waugh, Jr., Commissioner

1984-1986

Andrew C. Axtell, Chair
Alexander P. Waugh, Jr., Vice Chair
Justice Haydn Proctor, Commissioner
Owen V. McNanny III, Commissioner

1987-1988

Judge Stanley G. Bedford, Chair
Owen V. McNanny, III, Vice Chair
Andrew C. Axtell, Commissioner
David Linett, Commissioner

1989-1990

Judge Stanley G. Bedford, Chair
Owen V. McNanny, III, Vice Chair
David Linett, Commissioner
S. Elliott Mayo, Commissioner

1991-1992

Owen V. McNanny, III, Chair
Judge Stanley G. Bedford, Commissioner
David Linett, Commissioner

1993-1994

Owen V. McNanny, III, Chair
William H. Eldridge, Vice Chair
David Linett, Commissioner

1995

William H. Eldridge, Chair
Owen V. McNany, III, Vice Chair
David Linett, Commissioner
Michael Chertoff, Commissioner

1996

Judge Ralph V. Martin, Chair
David Linett, Vice Chair
Paula A. Franzese, Commissioner

1997-2000

Judge Ralph V. Martin, Chair
David Linett, Vice Chair
Paula A. Franzese, Commissioner
Lynnan B. Ware, Commissioner

2001

Judge Ralph V. Martin, Chair
Paula A. Franzese, Vice Chair
Lynnan B. Ware, Commissioner
Susan S. Lederman, Commissioner

2002-2003

Judge Ralph V. Martin, Chair
Paula A. Franzese, Vice Chair
Susan S. Lederman, Commissioner
Peter J. Tober, Commissioner

2004-2006

Jerry Fitzgerald English, Chair
Peter J. Tober, Vice Chair
Albert Burstein, Commissioner
Judge Theodore Z. Davis, Commissioner

2007

Jerry Fitzgerald English, Chair
Peter J. Tober, Vice Chair
Albert Burstein, Commissioner

2008-2009

Jerry Fitzgerald English, Chair
Peter J. Tober, Vice Chair
Albert Burstein, Commissioner
Judge Amos C. Saunders, Commissioner

2010

Jerry Fitzgerald English, Chair
Judge Amos C. Saunders, Vice Chair
Albert Burstein, Commissioner
Ronald DeFilippis, Commissioner

2011

Ronald DeFilippis, Chairman
Walter F. Timpone, Vice Chairman
Judge Amos C. Saunders, Commissioner
Judge Lawrence Weiss, Commissioner
(Appointed)
Jerry Fitzgerald English, Commissioner
(Retired)

2012

Ronald DeFilippis, Chairman
Walter F. Timpone, Vice Chairman
Judge Amos C. Saunders, Commissioner

EXECUTIVE DIRECTORS

1973-1976	David F. Norcross
1976-1981	Lewis B. Thurston, III
1981-1984	Scott A. Weiner
1984-2009	Frederick M. Herrmann
2009-Present	Jeffrey M. Brindle

LEGAL COUNSEL

1973-1994	Edward J. Farrell
1994-2012	James P. Wyse
2011	Andrew M. Baron
2012-Present	Edwin R. Matthews

CONSULTANT

1973-1978, 1982, 1986-1988
Herbert E. Alexander



Steve Kimmelman
Research Assistant