

# 2013

# Annual Report

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New Jersey Election Law Enforcement Commission  
P.O. Box 185, Trenton, New Jersey 08625



## COMMISSIONERS & SENIOR STAFF

### Commission's Office

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Facebook: <https://www.facebook.com/NJElectionLaw>  
Twitter: <https://twitter.com/elecnj>



*From left: Special Programs Analyst Scott M. Fagerty, 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

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



## THE COMMISSION

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### **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

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### **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 since its inception in 2005 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 a rare and broad-ranging perspective to the position of Executive Director.

Executive Director Brindle has authored 20 in-depth, analytical white paper reports on campaign financing and lobbying, many of which had a major influence on legislation. He also has published more than 70 articles in newspapers, magazines, and periodicals, including "Campaigns and Elections," "The New York Times," "Politickernj.com," "NewJerseyNewsroom.com" and "The Star-Ledger."

As Executive Director, Brindle has worked to reduce the backlog of outstanding enforcement cases and speed up enforcement efforts.

He started the ELEC-Tronic newsletter in 2009 to help expand the agency's public profile, and has been a major contributor to the 58 issues that have appeared through April 2014.

Brindle has taken several initiatives to enhance ELEC's basic mission of disclosure. He instituted a database of local political contributions, making New Jersey one of the few states in the nation that provides access to such information. He greatly expanded the number of analytical press releases published on a regular basis by the agency. He also saw to it that more than 400 press releases prepared between 1983 and 2005 were made accessible on the ELEC website.

Annual reports, minutes and advisory opinions dating back to the agency's creation in 1973 also have been made available to the public

through the agency's website, which, in 2010, was recognized as "Best Official New Jersey Website" by the Documents Association of New Jersey.

As Deputy Director, Brindle authored the report on the Clean Elections Pilot Program, prepared several Cost Analysis Reports, and wrote a major report on the Commission's technological needs.

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



*Jeffrey M. Brindle, Executive Director*

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.





## 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 2013. 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 Tilbury ..... Executive 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 Kamal ..... Associate Compliance Officer  
 Nancy Fitzpatrick ..... Associate 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

### 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

## 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  
 Steven McManus, 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

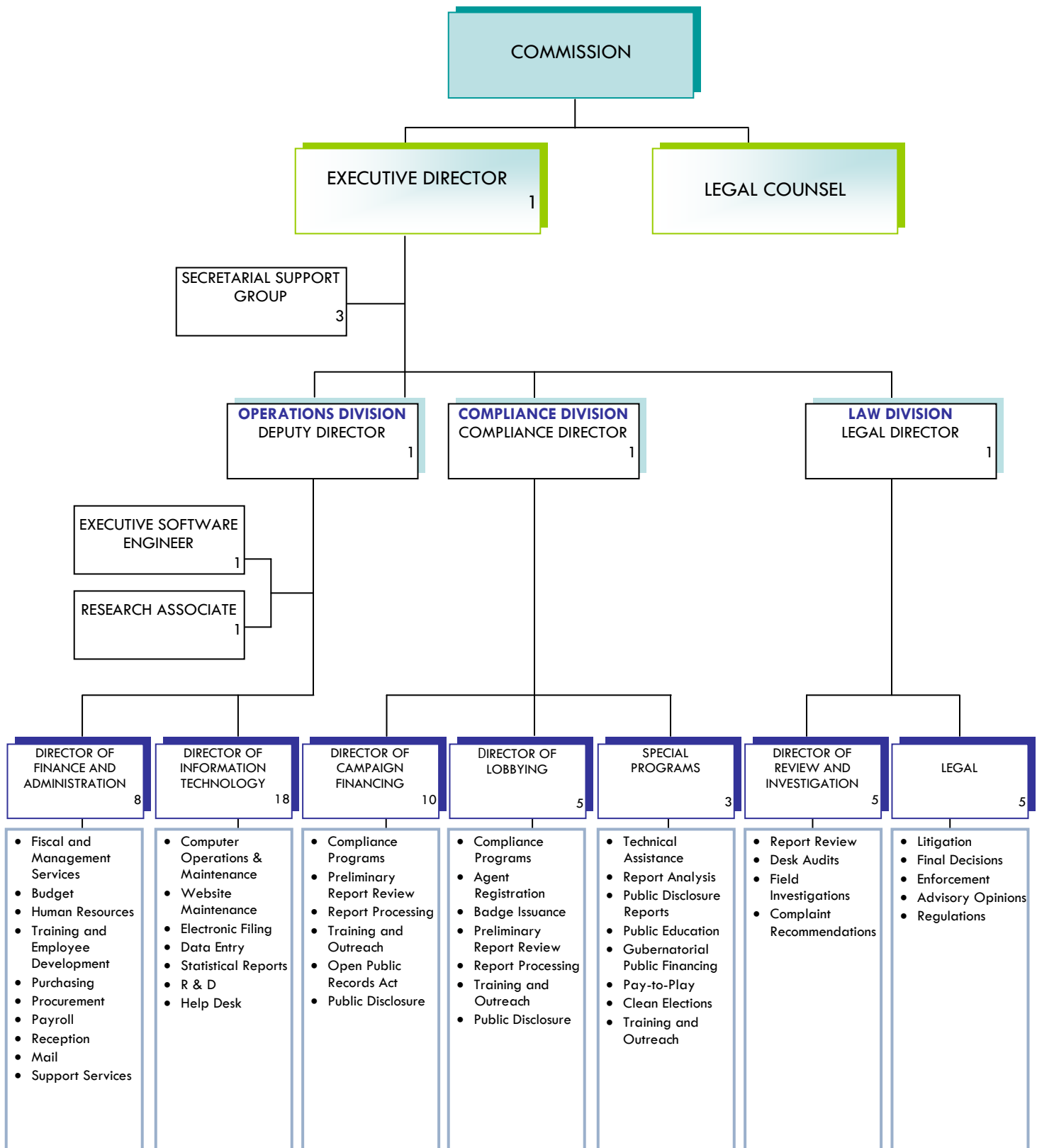
Carolyn Neiman ..... Director  
 Kim Roman ..... Associate Director  
 Brian Robbins ..... Executive Software Engineer  
 Anthony Giancarli ..... Associate Systems Administrator  
 Aydan A. Altan ..... Assistant Software Engineer  
 Ken Colandrea ..... Assistant Computer Technician  
 Maryanne Garcia ..... Principal Webmaster  
 Louis Solimeo ..... Associate Computer Technician  
 Peter Palaitis ..... Associate Help Desk Technician  
 Elias J. Amaya ..... Information Technology Specialist  
 Brenda A. Brickhouse ..... Data Entry Supervisor  
 Darlene Kozlowski ..... Assistant 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 Kelly ..... Associate Data Entry Technician  
 Susan Danley ..... Assistant Data Entry Technician  
 Tamico Flack ..... Data Entry Technician

### Finance and Administration

Christopher Mistichelli ..... Director  
 Elaine J. Salit ..... Senior Fiscal Officer  
 Judy Sheridan ..... Personnel Officer  
 Tamika McCoy ..... Assist. to Admin. & Finance  
 Debra A. Kostival ..... Principal Receptionist  
 Irene Comiso ..... Senior Receptionist  
 Aracelis Brown ..... Senior Clerk  
 Igor Milewski ..... Clerk



# TABLE OF ORGANIZATION





## MESSAGE FROM THE CHAIRMAN

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In June of 2013, the Election Law Enforcement Commission celebrated its 40<sup>th</sup> year anniversary.

As Chairman of the Commission, I was proud to participate in the celebratory function that featured numerous former commissioners and long-time supporters of the Commission and its work.

Moreover, in tribute to the contributions made over 25 years by former Executive Director Frederick M. Herrmann, the Commission named its training room in his honor.



*Ronald J. DeFilippis, Chairman*

The Commission has a long and storied history for undertaking its work in a fair, unbiased, and efficient manner. That tradition, I'm happy to say, was once again upheld in 2013.

One of the most important achievements of 2013 was the successful administration of the Gubernatorial Public Financing Program.

Between the primary and general election, a total of \$11,811,359 was dispersed to participating candidates. While Governor Christie did not participate in the primary, he did in the general election, receiving \$8.2 million in matching funds.

His opponent in the general election State Senator Barbra Buono participated in both the primary and general elections, receiving \$1,821,199 and \$1,790,160 respectively.

As part of the program, candidates are required to participate in two debates, with their Lieutenant Governor candidates required to participate in one debate.

The Commission selected William Paterson College, Montclair State University and Kean University to sponsor the debates. Each sponsor worked in collaboration with various media outlets.

As a result, three lively debates took place in which many important issues were fully discussed.

Much credit goes to Director of Compliance Amy Davis, who oversees the program, along with our temporary public financing staff, for once again administering the program in an effective manner.

There is no more important task of the Commission than its computer operations. Information Technology (IT) is at the heart of the Commission's effort to make the electoral and governmental processes as transparent as possible.

Recognizing the budgetary restraints under which the State has been operating for a number of years, my fellow Commissioners and the Executive Director have, nevertheless, been pressing for funding to upgrade ELEC's 15-year old system.

The need for this funding is increasing in importance as the system has been recently experiencing problems which have only been solved through the IT staff's administration of band-aid solutions.

Recognized in 2010 as the best governmental website in the State, the system contains a wealth of information that is second to none. In addition to candidate detailed information at all levels of government, information is available on municipal, county and state party entities, PACs, and lobbyists. Further, the pay-to-play disclosure website permits the public to view contributions by public contractors as well as their public contracts.

The above is just some of the information available on our very in-depth website. However, to ensure that the website continues to be a useful tool for the public, press and academics, it clearly needs to be modernized.



## MESSAGE FROM THE CHAIRMAN continued

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Information Technology Director Carol Neiman, her IT staff and Data Entry staff do an excellent job maintaining the system and entering data into it.

In the future, they will continue to effectively administer the system. However, the long term solution to assuring that the Commission's website continues to be among the best in the nation depends on upgrading its 15-year old system.

As indicated in my previous messages, the Commission's core mission is disclosure. During 2013, the Compliance Division continued pursuing the goal of enhancing compliance by candidates, parties, PACs, lobbyists, and public contractors. Last year, staff conducted 42 training seminars. Training was held in Trenton as well as in other parts of the State. And, with lobbyist annual reports now required to be filed electronically, four training sessions were held to help lobbyists become familiar with the software program.

In addition to training sessions, staff provides helpful hands-on assistance to the public. Through one-on-one telephone and in-person contact, staff assists filers, the press, and the general public.

As much as ELEC's core mission is disclosure, it should not be overlooked that the Commission has civil jurisdiction over violations of the various laws it oversees. Moreover, strong enforcement efforts compliment disclosure, a fact that has not been lost on the Commission or the public.

In combination with sister law enforcement agencies, the Commission plays a vital role in rooting out public corruption. In this way, the Commission continues to make progress toward reducing a once lingering backlog and reducing the time it takes for violations to be prosecuted, and if needed, litigated.

During 2013, the six member investigative staff, a staff that monitors the entire State of New Jersey, completed 38 investigations that resulted in penalty recommendations.

Director Shreve Marshall heads the Review and Investigation Section.

The Law Division's Director is Carol Hoekje. Carol has done an outstanding job in directing the six member staff in preparing for defending the Commission and the Campaign Act in court. Further, with the Legal staff preparing advisory opinions and proposing and promulgating regulations, the fact that it issued 70 complaints and 107 final decisions is exemplary.

A major concern in New Jersey and elsewhere is transparency in government. Part and parcel of doing its part to shed light on the governmental and electoral processes has been the work of Deputy Director Joseph Donohue, assisted by Research Assistant Steven Kimmelman, in continuing the Commission's tradition of issuing white paper reports that trace trends in campaign finance and lobbying. These reports, combined with analytical press releases, have helped to make the Commission one of the most prolific publishers of analytical data in the field.

Finally, I would be remiss to not mention the Operations Division, responsible for finances and personnel, headed by Christopher Mistichelli, and our Administrative Secretarial area lead by Elbia Zeppetelli.

And in conclusion, I want to thank my fellow Commissioners, Vice Chairman Walter F. Timpone, Commissioner Amos C. Saunders, and our Legal Counsel Edwin R. Matthews for their wonderful work on the Commission.

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





## EXECUTIVE DIRECTOR'S REMARKS

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As indicated in my remarks from last year, the Commission has been making a concerted effort to enhance its profile with the public.

This effort is being made for the purpose of better serving the public interest through increasing the rate of compliance with the law by candidates, political party entities, PACs, lobbyists, and public contractors.

In 2013 this commitment to keeping New Jersey among the most transparent states in the union was aggressively pursued.

Without question a central part of this effort to enhance its profile and thereby shed light on the electoral and governmental processes is the Commission's endeavor to bring about a policy agenda first prioritized in 2010.

In this coming year there is every reason to be cautiously optimistic that this effort will be rewarded.

At the top of the list is the recommendation that activity by outside, independent groups, be disclosed. In the 2013 gubernatorial, legislative and ballot initiative elections, the influence by outside groups was enormous, spending more than \$42 million to influence the outcome of the election.

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

The Pay-to-Play law is too complicated and the Commission has consistently called for one state law, an end to the fair and open provision, and increased disclosure.

Finally, the Commission has proposed that lobbying at the local level become part of the lobbying law and that more detailed records on expenditures be maintained by candidates.

Throughout 2014 I will continue to highlight these proposals through columns, testimony, and speeches to interested groups.

In addition, the Commission will continue to publish analytical press releases, the monthly newsletter, and white paper reports that have bolstered the agency's efforts to improve its name recognition.

Last year, 29 analytical press releases were published. These bite-size reports analyzed pay-to-play, lobbying spending, gubernatorial and legislative spending, independent group spending, political party spending, and PAC spending.

Of course, none of these efforts can be maximized to the benefit of the public without the support of a well functioning computer system.

ELEC's computer system is 15-years old and in need of an upgrade. Over the last two years, the Commissioners and I have been warning of the dangers of allowing the system to become antiquated, placing it in danger of a system crash.

In fact, when asked a question before the Senate Budget Committee last year, I expressed my concern about this issue.

Indeed, during the recent gubernatorial election and legislative elections, the system did experience problems, with several members of the public and press expressing frustration over their inability to access and download reports.



*Jeffrey M. Brindle, Executive Director*



## EXECUTIVE DIRECTOR'S REMARKS *continued*

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These problems were quickly addressed by our Information Technology staff. In their very professional manner they addressed the public, instituted band-aide solutions to temporarily solve the problems, and kept the system running and maintained.

However, these instances confirmed my fears that the heart and soul of ELEC's mission of disclosure, the computer system, was in real danger of failing.

Encouraging signs have been given by several legislators, and as with ELEC's policy proposals, I am cautiously optimistic that funding may become available to accomplish the necessary upgrade to the system.

Typically, the Commission undertook significant efforts in compliance, with the Compliance Division once again reaching out aggressively to the filing community by conducting numerous campaign financing, lobbying, and pay-to-play training sessions.

These seminars were conducted both on-site as well as in remote locations throughout the State.

As is customary, the continued efforts of the Compliance Division, which includes but is surely not limited to training sessions, has resulted in a 90 percent compliance rate.

ELEC's efforts to provide strong enforcement continued to advance in 2013. Several high profile cases were litigated last year, as the Legal staff researched and drafted advisory opinions and proposed regulations.

A total 70 complaints and 107 final decisions were prepared and issued by the Legal staff against entities violating campaign financing and lobbying laws.

The Commission's Review and Investigation Section completed 38 investigations. Moreover, the effort to eliminate a lingering backlog due to a previous vacancy in the director position in 2011 continued apace. These activities contributed to the high degree of compliance with the laws under ELEC's jurisdiction.

All in all, an important pat-on-the back goes to the entire ELEC staff for their ongoing professionalism and concern for serving the public. In addition, the support of the Commissioners has been invaluable in terms of the Commission's efforts to enhance its stature among New Jersey citizens.

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

Not missing a beat, the Commission and staff upheld this long tradition of non-partisanship and fair play in 2013.



## LEGISLATIVE REVIEW & RECOMMENDATIONS

In 2013, independent spending by special interest groups reached such a staggering level that it established a stark new reality in New Jersey elections.



*Joseph W. Donohue, Deputy Director*

Independent groups spent far more than the two major parties. And it became clear that disclosure laws haven't kept pace with this dramatic change.

The "outside spending" in the gubernatorial and legislative elections reached an estimated \$39 million- nearly three times the total in 2009, and the fifth largest amount ever spent in similar state elections around the nation.

It also was more than 2.6 times the amount spent by the so-called "Big Six" committees- the two state parties and four legislative leadership PACs.

**Table 1**  
**Estimated Independent Spending in NJ**  
**Gubernatorial or Legislative Races**

Year	Total
1977	\$ 10,700
1981*	\$ 14,600
1985	\$ -
1989	\$ 287,000
1993	\$ 326,000
1999	\$ 113,255
2001	\$ 6,783,119
2003	\$ 4,857
2005	\$ 411,224
2007	\$ 165,000
2009	\$ 14,096,167
2011	\$ 1,835,500
2012	\$ 299,049
2013	\$ 38,945,432
<b>TOTAL</b>	<b>\$ 63,291,903</b>

\*Largest of several small expenditures

An estimated \$15 million was spent without any disclosure of contributions- more than the entire amount of independent spending in the 2009 election, and more than the total spent on the 1985 governor's race.

In April 2010 and each year since, the Commission, on a unanimous bipartisan basis, has urged the Legislature to apply the same disclosure rules to independent spenders as those followed by candidates, parties and PACs. This goal remains a top priority of ELEC.

In the current 2014-2015 legislative session, legislators from both parties have introduced bills that would enhance disclosure by independent groups.

These bills include S-938/A-2758, sponsored by Senators James Beach (D-6) and Linda Greenstein (D-14), and Assemblyman Daniel Benson (D-14); S-554/A-227, sponsored by Senator Shirley Turner (D-15) and Assembly Members Reed Gusciora (D-15) and Linda Stender (D-22); and A-2381, sponsored by Assemblywoman Amy Handlin (R-13).

### **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.

S-938/A-2578 would accomplish another priority goal of ELEC- unifying the state's maze-like pay-to-play system into one state law.

### **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.**

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.



## LEGISLATIVE REVIEW & RECOMMENDATIONS continued

On another issue, Senator James Whelan (D-2), in consultation with Executive Director Jeff Brindle, has filed S-1647.

The bill would clarify that the Gubernatorial Public Financing Program would apply in the event that a special election was necessary to fill a gubernatorial vacancy. Current law is silent on the matter.

### **NEW PRIORITY RECOMMENDATION**

A number of federal, state and local candidates in New Jersey have faced corruption investigations during the past decade.

Some have set up legal defense funds to try to raise funds to pay costs associated with those investigations. Members of Congress are required to file disclosure reports disclosing all receipts over \$5,000 (for Representatives) or \$10,000 (for Senators) and all expenditures. There is no similar law for state and local candidates.

ELEC recommends that the Legislature adopt a bill that would require similar disclosure reports from state and local candidates who set up legal defense funds.

Pending bills that would add this requirement include S-774, sponsored by Senators Loretta Weinberg (D-37) and Linda Greenstein (D-14); S-269, also sponsored by Greenstein; S-1497, sponsored by Assembly Members Wayne Angelo and Daniel Benson (both D-14), and Vincent Prieto (D-32); and A-1044, sponsored by Assemblyman Gary Schaer (D-36) and Valerie Vainieri Huttle (D-37).

### **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.

**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.



## LEGISLATIVE REVIEW & RECOMMENDATIONS continued

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### **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 Chairman 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

With a gubernatorial election, all 120 legislative seats in play, local elections, and thousands of filings by lobbyists and public contractors, ELEC's compliance division had plenty to do in 2013.

governmental affairs agents last year was 910. Those agents filed 5,791 reports during the past year.

The compliance staff updated all manuals, which are available on ELEC's website. The manuals included inflation adjustments made every four years to certain thresholds and limits as part of the Cost Index Report.



*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, Amy Davis, Milene Matos, Titus Kamal, Michel Donato-Suarez, and Desiree DeVito.*

### COMPLIANCE

With the most state elections since 2001, more than 8,310 candidates and committees filed reports in 2013, nearly 22 percent more than the previous year. These reports were filed electronically or scanned to the website where the public, media, candidates and others also could benefit from prompt disclosure.

Overall, the Commission received 31,906 reports from candidate committees and lobbyists during 2013- a jump of more than 17 percent.

Governmental affairs agents (lobbyists) and represented entities also filed reports with the Commission. The average number of registered

For the second year in a row, lobbyists and represented entities filing 2013 annual reports were required to submit those reports electronically. Once again, filing was accomplished with minimal problems.

Staff also conducted reviews of annual lobbyist reports and pre- and post-election legislative reports. The work was crucial to the preparation of several analytical press releases.

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



## COMPLIANCE DIVISION continued

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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 10,633 telephone calls from the regulated community and provided immediate assistance with filing questions.

The number of registered continuing political committees, better known as PACs, dropped by 96 from 2012 to 1,716.

A critical component of the Compliance Division's effort was the informational seminars conducted over the past year. With interest high during a major election year, staff held 42 seminars for treasurers, candidates, PACs and lobbyists. The better ELEC filers understand Commission rules, the more likely they will abide by them.

For the first time, ELEC displayed on its website hundreds of personal financial disclosure reports filed by candidates.

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 34 OPRA requests resulting in 11,645 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). During the year, staff met with representatives of potential gubernatorial campaigns and provided them with an overview of GEFS and the public finance program in general.

One candidate, former state Senator Barbara Buono, accepted public financing during the primary. During the general election, Senator Buono and Governor Chris Christie both participated in the public financing program.

Because there was only one program participant during the primary, there were no ELEC-sanctioned debates during the primary.

During the general election, William Paterson University and Montclair State University were selected as sponsors for gubernatorial debates. Kean University hosted a debate between Lieutenant Governor Kim Guadagno and challenger Milly Silva

ELEC received ballot statements from eight general election candidates for placement on the sample ballot mailed to each registered voter and published on the agency's website. The statements were translated into Spanish, and, for the first time, into Korean in some counties. Under the public financing program, county clerks were reimbursed for printing and mailing expenses.

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.



## COMPLIANCE DIVISION continued

### PAY-TO-PLAY

For 2013, 1,956 business entities filed the Business Entity Annual Disclosure Statement (Form BE) that disclosed any public contracts they hold and political contributions they made to New Jersey

### ASSISTING LAW ENFORCEMENT

Following a long-standing practice, the staff provided important assistance in 2013 to the U.S. Attorney's Office, the FBI, the Attorney General of New Jersey and other law enforcement agencies



*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.*

candidates and committees. The reports filed every March 30<sup>th</sup> are the major part of State efforts to deter corruption.

Also, last year, the reports disclosed 19,948 public contracts totaling \$6.4 billion. Business entities also disclosed \$10.1 million in contributions by public contractors. The Special Programs staff provided filing assistance, conducted three 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.

with regard to investigations that involved issues of campaign financing, lobbying or pay-to-play.

### CONCLUSION

In 2013, 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.



## LAW DIVISION

### LEGAL SECTION

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 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 in all aspects of the Commission's work concerning the law and the regulations.



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

### COMPLAINTS

The Reporting Act authorizes the Commission to bring complaints proposing monetary penalties against violators of the Act. The Legal Section issued 69 complaints in 2013, and assisted in the issuance of one additional complaint in which the Commission was represented by the Attorney General's Office. Of the 69 complaints, 18 resulted from investigative matters, and 51 from non-filer recommendations arising from the 2011 general election. The Section's work resulted in the closing of 107 cases and 54 cases open at the end of 2013. These complaints concerned use of campaign funds, excessive contributions, failure to file 48-hour notices, and late and non-filing of contribution and expenditure information by candidates, continuing political committees, and county and municipal political party

committees. The Legal Section workload also included discovery matters in cases pending before the Office of Administrative Law and witness 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 107 Final Decisions in 2013 for campaign finance violations. A total of \$135,775.66 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.

### ADDITIONAL LITIGATION

In two matters, the Commission was represented by the Office of the Attorney General.

In the first case, appellate briefs were filed in the Defendants' appeal of an Order granting summary judgment to the Commission and denying Defendants' cross-motion for summary judgment. 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). Oral argument for the appeal has not yet been scheduled.

In the second case, the Office of the Attorney General, filed a civil lawsuit in December, 2013 in the Superior Court of New Jersey seeking repayment of \$140,000 in campaign funds that were used to fund criminal defense costs on behalf of Joseph Coniglio, a former state senator in the 38<sup>th</sup> Legislative District. The suit names as defendants Joseph Coniglio and his treasurers, Theresa Romano and Louis Romano, and alleges that the defendants violated the New Jersey Campaign Contributions and Expenditures Reporting Act and breached their fiduciary duties to the contributors of Coniglio's legislative campaigns. New Jersey Election Law Enforcement Commission v. Joseph Coniglio Louis Romano, and Theresa Romano, Docket No. BER-C-338-13 (N.J. Super. Ct. Ch. Div. 2013).





## LAW DIVISION continued

In other litigation, the Commission was ably represented by Legal Counsel Edwin Matthews, Esq. in a matter alleging Reporting Act violations relevant to the 2013 general election and naming the Commission as an indispensable party. EFO Sweeney et al. v. Trunk et al. and NJ Election Law Enforcement Commission (N.J. Super. Ct. Law Div. Gloucester County, 2013). The Court declined jurisdiction and referred the allegations of Reporting Act violations to the Commission under its jurisdiction.

The Commission was also ordered to produce documents with some redactions and exceptions as a result of a lawsuit brought against the Commission under the Open Public Records Act (OPRA), William J. Brennan v. Election Law Enforcement Commission et al. Docket No. 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. The Commission did not engage in rulemaking in the 2013 calendar year.

### **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 2013.

Advisory Opinion 01-2013 concerned the contemplated making of independent expenditures in New Jersey elections. The Fund for Jobs, Growth & Security asked the Commission whether or not contribution limits applied to the making of independent expenditures on behalf of New Jersey candidates, even if such activity qualified as a

"political committee" under New Jersey law. Although the Commission determined to issue an Advisory Opinion holding that the contribution limits applicable to a political committee would apply, the Commission subsequently withdrew its Advisory Opinion due to a permanent injunction issued in subsequent litigation brought against the Commission in the United States District Court for the District of New Jersey. Fund for Jobs, Growth & Security v. New Jersey Election Law Enforcement Commission et al. Civil Action No. 3:13-CV-02177-MAS-LHG. Legal Counsel Matthews represented the Commission in the federal court litigation.

In Advisory Opinion 02-2013, the Commission examined the statutory prohibition on the making or solicitation of campaign contributions on public property, N.J.S.A. 19:44A-19.1. The Commission advised a candidate that his candidate committee could hold a campaign fundraiser on public property pursuant to an exemption set forth at N.J.S.A. 19:44A-19.1d for a meeting for a "non-governmental purpose." The Commission advised that the exemption would apply to a campaign fundraiser held on public property by pre-arrangement with the owner(s) for reservation and rental at fair market value of that property and related services for the exclusive use of the campaign, and provided that such arrangements are made according to terms available to the general public. Under those circumstances, the campaign fundraising is occurring at a meeting held for a political, non-governmental purpose and meets the criteria set forth in the exemption at N.J.S.A. 19:44A-19.1d.

### **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 welcomed attorney Steven McManus, Esq. during calendar year 2013. In addition, intern Jason Cabrera, from the Eagleton Institute, provided assistance. 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 consists of a Director and four investigators.

The Review and Investigation Section closed 38 cases in calendar year 2013. Twelve of these cases were referred to the Legal Section for the issuance of a complaint, including a number of multi-count complaints which resulted in the imposition of substantial monetary penalties. The investigative caseload continued to concern such basic reporting obligations as: the timely and complete disclosure of contributions and expenditures and quarterly reporting obligations of candidates, the receipt of excessive contributions, coordinated expenditures, political identification requirements, and reporting requirements for persons and entities allegedly engaged in election advocacy.



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

## **REQUESTS FOR INVESTIGATION**

Any member of the public can request an investigation by completing the Confidential Request

for An Investigation form, which can be found on the Commission's website, [www.elec.state.nj.us](http://www.elec.state.nj.us). The Requests for An Investigation continue to be a major source of information regarding alleged violations of the Reporting Act as many members of the public continue to hold accountable their elected officials. When submitting a Request, it is helpful if the complainant provides as much information as possible; such as copies of campaign literature, photographs of campaign signs and any other information that may support the alleged reporting violation. Any Request received is reviewed within 90 days of receipt. However, these Requests can not be filed by facsimile.

The Commission received and responded to a total of 147 Requests for Investigation in calendar year 2013. Of that total, 70 were not presented to the Commission. The Commission did not have jurisdiction over 12 requests, 39 requests were handled administratively by staff, and 19 others were returned to the complainant due to the lack of evidence of a violation of the Reporting Act. Seventy-seven were presented to the Commission to determine whether to initiate an investigation.

The Commission also initiates investigations as a result of staff's review of reports filed with the Commission and as a result of a story that may have appeared in a news article. In calendar year 2013, the Commission determined to open a total of 30 new investigations.

The Commission does not release any information to the public, indicate how it may have learned of a specific reporting violation, or comment as to how an investigation is initiated.



**LAW DIVISION continued**

**INVESTIGATIONS**

One investigation resulted in a 16-count complaint against a gubernatorial candidate in the 2005 general election for: late filing of campaign report information relevant to his election cycle campaign reports, the making of impermissible expenditures from the public fund depository, and for the failure to maintain records relevant to expenditures.

Another investigation resulted in the issuance of a 19-count complaint against a municipal candidate for non-filing of 48-hour notices, late reporting of contribution and expenditure information, and late filing of postelection quarterly reports.

In order to complete these and other investigations, the Section issued 27 subpoenas in calendar year 2013, to entities and financial institutions for records of a campaign or organizational depository to corroborate the financial information that was reported by the respondents or obtain accurate information to assist the respondents with their filing obligations.

**ADMINISTRATIVE HEARING AND OTHER LEGAL SUPPORT**


The Section's investigators also review the Commission's files for records of candidates and entities participating in an election who have failed to file any reports. In calendar year 2013, the Review and Investigation Section transmitted to the Legal Section the recommendation to issuance 84 non-filer complaints against candidates and committees that failed to file reports in the 2011 general election.

The Review and Investigation Section also assists the attorneys in the Legal Section with follow-up enforcement activity such as locating addresses for sheriff's service of complaints and in the preparation of cases for hearings before the Office

of Administrative Law. In this instance, the investigator is required to prepare as the State's witness in the cases in which the respondents do not waive their right to such hearings. The investigators are also called upon to review amended reports filed by respondents in response to Commission complaints.

**CONCLUSION**

The Review and Investigation Section also continued to render assistance to other law enforcement agencies including the FBI, the Division of Criminal Justice, and the U.S. Attorney's office. Given the Commission's limited resources, the Section continues to do its best to meet the challenge of being responsive to and serving the members of the public to the best of its ability.

 <p align="center"><b>CONFIDENTIAL</b> 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>	<b>FORM RFI</b>																		
	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><b>Person(s) Bringing Request: (Please Print or Type)</b></p> <p>Name: _____ Daytime Phone: ( ) _____</p> <p>Address: _____ Evening Phone: ( ) _____</p> <p>Name: _____ Daytime Phone: ( ) _____</p> <p>Address: _____ Evening Phone: ( ) _____</p> <p>Name: _____ Daytime Phone: ( ) _____</p> <p>Address: _____ Evening Phone: ( ) _____</p>																			
<p><b>Individual/Entity that is subject of this request for an investigation:</b> (Please list all persons/entities that are the subject of your request for an investigation.)</p> <table border="0"> <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 _____ Indicate which of the above entities files with ELEC _____</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 2013

In 2013, ELEC's Information Technology (IT) Section continued to make advances despite the fact that the agency's aging computer system presented new, lingering challenges.



*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.*

One successful undertaking in 2013 was the transition to mandatory electronic filing of annual reports by lobbyists. Lobbyists were able to use the e-filing software in 2012 but initially it was not a requirement. Even though it became mandatory in 2013, the changeover went extremely well.

The IT Section priority for 2013 was the need to update software used by candidates to file short forms such as A-1 reports. Aided by consultants, the IT Section staff, completed this priority on time and within budget. The short forms were developed, completed, tested and made available to the public at the end of July. Thanks again to the staff for another successful upgrade.

Another accomplishment was the replacement of all Cisco network equipment, which was nearing the end of its usable life. Another key component of ELEC's hardware- the Cisco main switch- is slated to be replaced within two years.

While the staff completed a major rewrite of the Gubernatorial Electronic Filing System (GEFS) well before last year's elections, they did an important last-minute change that allowed for multiple users to access the software simultaneously. This change made the software more useful to the campaign staffs of publicly financed candidates.

Electronic filing is mandatory for gubernatorial and legislative candidates who raise or spend, or expect to raise or spend in excess of \$100,000 in a primary or general election. Other candidates also can voluntarily file reports electronically. Non-gubernatorial candidates use the R-1 Electronic Filing System (REFS).

REFS also needs an update. The rewrite was started, but not completely finished, in 2013. Reprogramming that did occur allows users to file their 48-hour notices through the REFS program. Fully updated REFS software is expected to be rolled out in 2014.

Early in 2013, the Commission was notified by state Office of Information Technology (OIT) that a router used to allow the public to retrieve images from the Commission's document management system to the Internet had reached the end of its life cycle and was no longer supported by its manufacturer.



## OPERATIONS DIVISION

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Working with OIT staff, ELEC staff tried to avoid the cost of replacing the router by revamping the image retrieval process. Unfortunately, the change didn't work. Compounding the problem is the fact that the 15-year age of the document management system also created problems during the year when some members of the public tried to view reports on the Internet. ELEC has posted a notice on its website urging people who run into issues to contact ELEC IT help desk staff. For the more technically inclined, it has also posted changes in software settings that can eliminate the problem.

Updating the system used internally by ELEC to manage documents, and the way reports are retrieved and viewed on the web, are the agency's major priority for 2014.

In recent months, ELEC Executive Director Jeff Brindle has held meetings with legislative leaders from both parties to inform them of the issue, and to see if additional funds can be budgeted to make a permanent fix. In the interim, the agency is taking steps to temporarily alleviate the problem by converting all candidate reports into Adobe PDF files that can be easily viewed through the agency's website.

In another development involving the IT Section, a replacement disaster recovery-backup system was purchased late in the year with software and equipment arriving just after the start of the New Year. ELEC's IT team currently is working to incorporate the new hardware into ELEC's electronic infrastructure.

The IT support team continues to provide help desk assistance for computer issues to Commission staff and the public. They are available for help with the website and electronic filing. The IT staff 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

For the first time since lobbyists started filing annual reports with the Commission, the Data Entry staff did not have to key these reports as electronic filing became mandatory. Data Entry staff did, however, issue 617 Registration and PIN numbers before the annual lobbyist filing in 2013. A total of 1,594 Registration and PIN number applications were processed for the year. Additionally, Data Entry staff are responsible for keying the thousands of contribution items not received electronically while also reviewing contribution information received electronically to check for contributor types, names, spelling and addresses to normalize the data.

### 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 refresh its equipment. The priority for 2014 is to present campaign finance images as PDF documents on its website. Newer desktop computers are being installed for staff as the agency moves from the near-obsolete Windows XP to Windows 7.

Additionally, a rewrite of the Commission's legacy database application (ELECTrack) and migrating off of the current IBM/FileNet Panagon imaging and document management platform are high on the list.

ELEC hopes to enable electronic filing of other reports in the future, such as the quarterly party and PAC reports. However, these reforms are likely to be delayed due to the more pressing need to correct report retrieval problems.





## 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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<a href="#">40<sup>th</sup> Anniversary Celebration</a>



Issue 58, April 2014



Due to our aging computer system, we have been experiencing intermittent technical difficulties on the "View a Report" pages of our website. For immediate assistance during normal work hours, please contact our office at 609-292-8700 or 1-888-313-3532 (from inside NJ) and ask to speak with someone from our Help Desk. We sincerely apologize for this inconvenience.

#### Commission Meeting & Minutes

The New Jersey Election Law Enforcement Commission will have a meeting at 11:00 a.m. on Thursday, April 17, 2014, at the Commission's office at 28 West State Street, 12<sup>th</sup> Floor, Trenton, New Jersey.

Public Session Minutes from:

- February 11, 2014 [Read further>>](#)
- January 21, 2014 [Read further>>](#)

#### News Releases

Contributions by public contractors jumped more than \$2 million in 2013 to nearly \$10.1 million, the biggest increase since 2007, according to an Election Law Enforcement Commission (ELEC) analysis of annual disclosure reports filed last month.

[Read further>>](#)

New enforcement actions are now available for review April 2, 2014 on the Commission's website. [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.

#### 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)



**FINANCE AND ADMINISTRATION SECTION**

During 2013, 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 2013 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 2014 Direct State Services adjusted appropriation of \$4.254 million was the same as the fiscal year 2013 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 2013, 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



**OPERATIONS DIVISION continued**

successfully worked with the Civil Service Commission during 2013 to comply with all State personnel rules and regulations.

**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 2013 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 2013, the Section operated within the parameters established by the Department of Treasury and the Governor’s Office, and continued to handle all responsibilities effectively.

In FY 2015, the Commission anticipates an appropriation of \$4,325,000 based on the Governor’s Budget Message.

**COMPARISON OF FISCAL YEARS 2013 AND 2014 ORIGINAL DSS APPROPRIATIONS**

	<u>FY-2013</u> <u>Appropriation</u>	<u>FY-2014</u> <u>Appropriation</u>
Personnel	\$3,821,000	\$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	186,000
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>0</u>
<b>Total Operational</b>	<b>\$4,254,000</b>	<b>\$4,254,000</b>

**2013 EVALUATION DATA**

Disclosure Reports (Total).....	34,458
Campaign & Quarterly .....	26,115
Lobbyist .....	5,791
Pay-to-Play.....	2,552
Investigations .....	38
Complaints.....	70
Public Assistance Requests .....	12,906
Photocopies.....	11,645
Fine Collection .....	\$135,776
Lobbying Annual Fees.....	\$352,750
Campaign Fundraiser Annual Fees .....	\$17,000



## 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.
- **Gubernatorial Public Financing Program Extending to Primary Elections** signed by Governor Brendan Byrne (Chapter 74) – effective date: July 23, 1980.
- **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.



## 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) - Deceased 2011  
Jerry Fitzgerald English, Commissioner  
(Retired)

### 2012, 2013

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