

2014 ANNUAL REPORT

NJ ELECTION LAW ENFORCEMENT COMMISSION
P.O. Box 185, Trenton, NJ 08625

www.elec.state.nj.us



April, 2015



COMMISSIONERS & SENIOR STAFF

Commission's Office

New Jersey Election Law Enforcement Commission
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From left: Special Programs Analyst Scott M. Fagerty, Legal Director Demery J. Roberts, 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 style="text-align: center;">NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION 28 WEST STATE STREET, 13TH FLOOR TRENTON, NEW JERSEY</p>		
	BY REGULAR MAIL AT:	
<p style="text-align: center;">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 style="text-align: center;">NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION 28 WEST STATE STREET, 13TH FLOOR TRENTON, NEW JERSEY 08608 (609) 292-8700</p>		
	BY TELEPHONE AT:	
<p style="text-align: center;">(609) 292-8700</p>		
<p style="text-align: center;">TOLL FREE WITHIN NEW JERSEY 1-888-313-ELEC (3532)</p>		
	BY FAX AT:	
48-HOUR REPORTING OF CONTRIBUTIONS AND EXPENDITURES MADE BETWEEN 13 DAYS PRIOR TO ELECTION AND ELECTION DAY:		<p style="text-align: center;">(609) 292-7662</p>
REQUESTS:		<p style="text-align: center;">(609) 633-9854</p>
LEGAL:		<p style="text-align: center;">(609) 777-1457</p>
	VIA THE INTERNET AT:	
<p style="text-align: center;">WEBSITE: http://www.elec.state.nj.us/</p>		
VIA SOCIAL MEDIA AT:		
<p style="text-align: center;">FACEBOOK: https://www.facebook.com/NJElectionLaw TWITTER: https://twitter.com/elecnj</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 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.

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 2015. 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

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

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

COMPLIANCE DIVISION

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 Titus Kamal..... Associate Compliance Officer
 Nancy Fitzpatrick..... Associate Compliance Officer
 Maite Hopkins..... Assistant Compliance Officer
 Marcus Malmignati..... Assistant Compliance Officer
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 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

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

LAW DIVISION

Legal

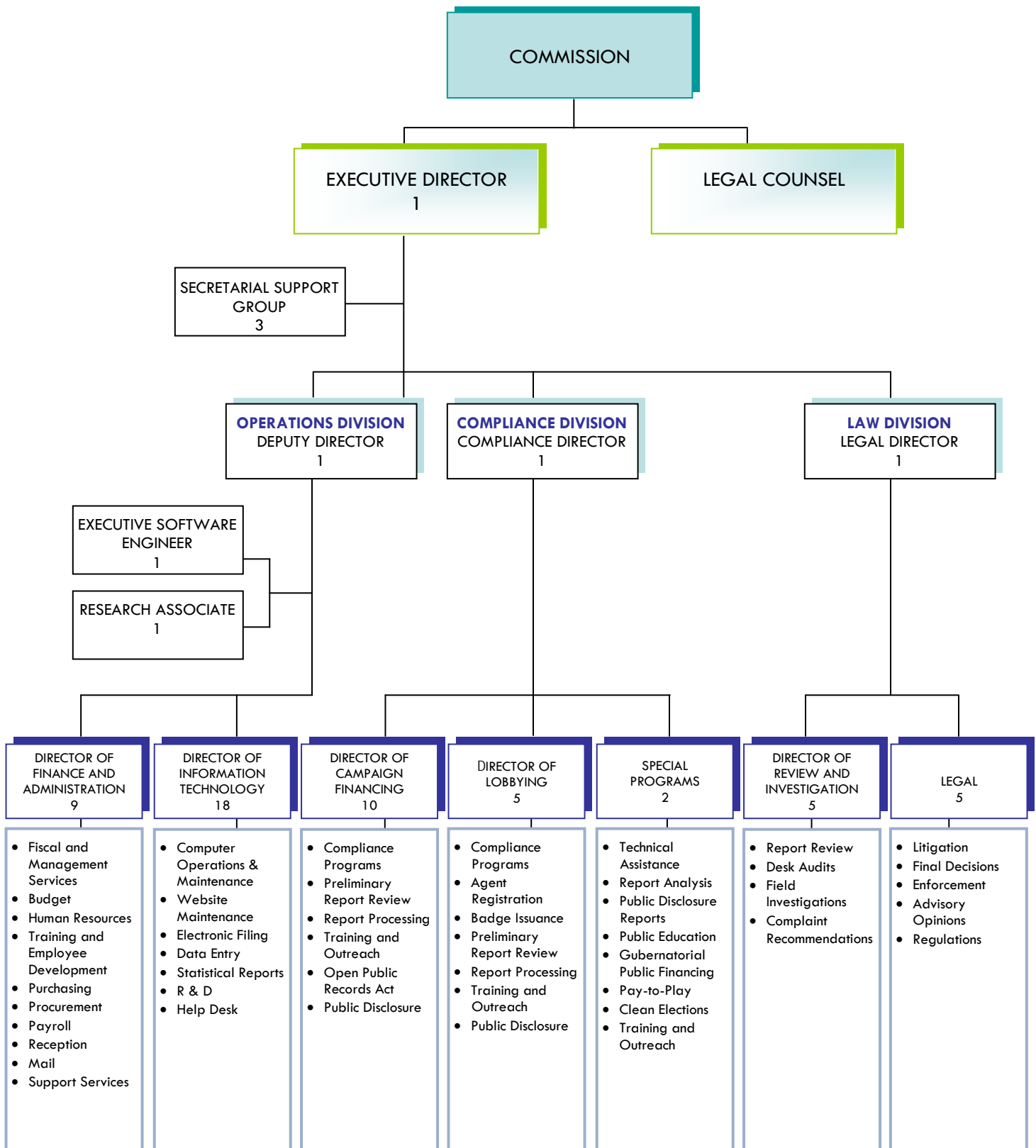
Demery J. Roberts, Esq..... Legal Director
 Gail L. Shanker, Esq. Associate Legal Director
 Michelle R. Levy, Esq. Associate Legal Director
 Amanda Haines, Esq. Assistant Legal Director
 Theresa J. Lelinski, Esq. Assistant Legal Director
 Steven McManus, Esq..... Assistant Legal Director

Review and Investigation

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 Brett Mead..... Senior Review Officer
 Christopher Gear, M.P.A. Associate Review Officer
 Matthew Krinsley Assistant Review Officer
 Lovinsky Joseph..... Assistant Review Officer



TABLE OF ORGANIZATION





MESSAGE FROM THE CHAIRMAN

The Commission's efforts in the area of computer technology is of primary importance.

That is why the Commission is so pleased with having received a special appropriation of \$2 million for the purpose of overhauling its antiquated computer system.

As a result, Information Technology (IT) staff is in the process of a major upgrade to make the Commission's computer operations truly state-of-the-art.

Besides users being able to access information from their iPads, etc., among the capabilities of the new system will be the ability of all filers, candidates, political parties, PACs, lobbyists, and pay-to-play business entities to file electronically.

Needless to say, the Commission is looking forward with excitement to the completion of this project and to the myriad of possibilities for enhancing disclosure that will accompany it.

Truly, this upgrade, along with the Commission's move to a new, more modern building will set the stage for even greater efficiencies in service to the public than before.

Despite the ongoing modernization process, traditions that have served the public so adequately in the past will not change.

For example, the Commission will continue its well established tradition of having a real person answer the phones.

Certainly, ELEC is one of only a few agencies in State government, if not the only agency, to have trained receptionists answer the phones when the public calls.

This may seem minor but it serves to reassure the public that its needs will be looked into and questions answered.

In a word, our receptionists are an oasis in a desert of social media and bureaucracy.

Another tradition that will not change is the attention paid to serving the citizenry by the Compliance Section.

Last year, the Compliance Section conducted 17 training seminars for candidates, treasurers, political parties, PACs, political committees, lobbyists, and pay-to-play business entities. In the current year, the staff will continue its outreach by conducting 17 such sessions.

During 2014, approximately 30,983 reports were scanned and processed. As the result of the new age of the Internet, and the fact that all candidate reports are online, photocopying for the public has declined. Nevertheless, 6,021 photocopies of reports were made for the public.

All in all, the efforts of the Compliance Division recorded a compliance rate of over 90 percent.

Moreover, the Division continued to comply with the requirements of the Open Public Records Act (OPRA) in providing information to the public in a timely manner.

In truth, the Commission has always made it a priority to respond timely to the public, with or without the Act.



Ronald J. DeFilippis, Chairman



MESSAGE FROM THE CHAIRMAN continued

Finally, in the area of compliance, staff, in addition to training sessions, is always at the ready to assist the public via the telephone and in person.

The Compliance Section is headed by the steady hand of Amy Davis, Esq..

The Legal staff, in addition to preparing advisory opinions, drafting regulations, and assisting the Commission's legal research, issued a total of 236 complaints and final decisions against candidates, lobbyists, and organizations in violation of the campaign finance and lobbying statutes.

Even though the Legal staff is comprised of just five attorneys plus the Director, staff undertook numerous important and complicated cases in 2014, which continues into 2015.

During 2014, long-time Legal Director Carol Hoekje retired after many years of service. Stepping into the shoes of the Legal Director position, and without missing a beat, was Demery J. Roberts, Esq., formerly with the Comptroller's Office.

Working closely with the Legal Section is Shreve Marshall who leads the Review and Investigation Section. During 2014, the Section, with only four investigators to cover the entire State, completed 42 investigations, which resulted in penalty recommendations.

Without a doubt, the Legal and Review and Investigation sections play a critical role in enabling the Commission to maintain its high compliance rate.

In my opening remarks, I mentioned the upgrade of the computer system. Of course, this will not occur by magic. It is taking the hard work of the Commission's professional IT staff, all of whom are also responsible for maintaining the current system.

And certainly, the Data Entry staff deserves mention. It is their purpose to enter the myriad of information that enables the public to access detailed information on candidates and party financial activity.

The IT and Data Entry staff are overseen by Carol Neiman, who has seen the Commission through rough periods resulting from the existing system.

Chris Mistichelli, Finance and Administration Director, has established a strong reputation for budgetary and personnel management. His dedication to enhancing fiscal efficiencies at the Commission has helped the Commission not only survive the very difficult budgetary years but has allowed ELEC to continue to pursue new initiatives.

Finally, Joe Donohue, the Commission's Deputy Director, continued to produce important analytical press releases on campaign finance issues, lobbying, and pay-to-play. In addition, his in-depth white papers continued the tradition set in the 1980's. His efforts have contributed to the enhanced profile of the Commission.

In furtherance of this effort as well as in countless various and sundry ways, Elbia Zeppetelli, Maryanne Garcia, Maureen Tilbury, and Renee Zach have made significant contributions to the Commission.

As I have stated in the past, transparency in government is of paramount concern to all who deeply care about our State. ELEC has been center stage in the effort to enhance transparency in government and engender trust in government.

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



EXECUTIVE DIRECTOR'S REMARKS

Each year the Commission reaches new milestones. 2014 was no exception.

A three-year effort to build support for overhauling the Commission's computer system culminated in a special appropriation of \$2 million for that purpose.

The system, which is fourteen years old, was experiencing cracks in its functionality, at times faltering to the point of not allowing users to access reports.

While Information Technology staff was able to apply band-aid solutions resulting in temporary fixes, it was obvious that the system was in dire need of an upgrade.

As the result of the special appropriation, the Commission will have a new state-of-the-art system that, among other things, will allow electronic reporting, not only by candidates, but by political parties, PACs, political committees, and lobbyists.

For this, many thanks go to those members on both sides of the legislative aisle who pushed for this appropriation as well as to the Governor and Treasurer who supported it.

Speaking of state-of-the-art, the Commission made a decision in 2014 to move its offices to a brand new location.

The Commission has been housed in the revered National Bank building at 28 West State Street in Trenton since its inception in 1973.

So making the decision to move after all these years has not been an easy one. However, the opportunity to relocate to a totally refurbished NJN building just three blocks away on Stockton Street was hard to resist.

The Commission will be located on the top floor of the building. All staff will be housed together on the same floor, enhancing accessibility and efficiency.

Parking for both the public, commissioners, and staff, is readily available and convenient. Moreover, the public will have access to the public room, with Compliance staff nearby to assist with any questions. And, for those attending Commission meetings, a newly renovated conference room will be in place.

On top of all this, training for treasurers, candidates, political party and PAC operatives, lobbyists, and public contractors will take place in a new, modern training facility on the first floor.

Though change is sometimes hard, we look forward to our new offices in a more modern environment. This move goes hand-in-hand with the computer upgrade. Both, together, bring the Commission further into the twenty-first century.

The move is scheduled for late 2015.

Upgrading the computer system and relocating the new offices is part of the goal to enhance the Commission's profile, which has been a motivation of mine since becoming Executive Director in 2009.

Making the public aware of the Commission and its place in the State's electoral system, enhances public trust in the election's process. A public aware of the Commission's primary mission of disclosure is a more informed citizenry. In turn, a more informed citizenry furthers democracy and social stability.

So every effort is continually made to uphold the traditional standards of the Commission and to build upon them. This objective was again pursued in 2014.

Besides the computer initiative and the decision to relocate, the Commission continued to press for important reforms in the areas of campaign finance, pay-to-play, and lobbying.



Jeffrey M. Brindle, Executive Director



EXECUTIVE DIRECTOR'S REMARKS *continued*

While cautiously optimistic that reform will eventually come, the Commission continued to push for full disclosure by independent, outside groups, even those that do not expressly call for the election or defeat of a candidate.

Over \$41 million was spent by outside groups in the gubernatorial and legislative contests of 2013. Despite the fact that only the Assembly is up in 2015, undoubtedly, there will be considerable dollars spent by outside groups. And in 2017, with Gubernatorial, Senate, and Assembly elections, it's a sure bet that \$41 million will be exceeded.

The public deserves to know who is funding these efforts that dwarf candidates and political parties. And, Citizens United's strong decision on disclosure enables disclosure of these groups to be accomplished.

Another reform that the Commission pressed for in 2014 was in the area of pay-to-play. The Commission has been calling for the law to be simplified so as to eliminate the confusion that currently exists, to make it more understandable, and enforceable.

To that end, the Commission's proposal calls for one state law to apply across the board, including local and state public contracting.

In addition, it calls for an end to the "fair-and-open" loophole at the local level, enhanced disclosure of pay-to-play activity, and an increase in the contribution limit applicable to public contractors from \$300 to \$1,000.

Further, the pay-to-play restrictions should come to include PACs while all public contractor contributions to independent groups operating in New Jersey should be identified for disclosure purposes.

The Commission is proposing numerous other changes to current law outlined in the Legislative Section of this report. Some of these recommendations have been introduced as legislation and are awaiting action.

One such proposal, supported by ELEC and the County Clerks, did become law in 2014. The new law eliminated the need for local and legislative candidates to file duplicate reports with the County Clerks.

As with the above new law, another proposal, the catalyst of which is the electronic age and the desire to save money while at the same time enhancing disclosure, stands a good chance of being enacted in 2015. This proposal, again supported by ELEC and the County Clerks, would eliminate the 500 word gubernatorial ballot statement in printed form, and instead require them to be posted on the County Clerk's and ELEC's websites.

This measure would save \$600,000 – yet, bringing the statements to the public much sooner than a few days before Election Day.

During the last few years, the Commission has incorporated many new measures in its arsenal to enhance disclosure and bring information to the public.

Among these improvements are the local contributor database, the newsletter, white papers on new topics, analytical press releases, columns, online access to lobbying quarterly and annual reports, online and video treasurer training, you-tube, facebook and twitter.

Additionally, pay-to-play disclosure continues to be enhanced as well as online information regarding Commission complaints and final decisions and advisory opinions.

In 2015, the Commission will continue to progress in terms of bringing important information to the public as well as important services to the filing community.

But, of course, none of the changes that have been made, nor those to come, could be accomplished without the tireless and professional efforts of the staff.

Moreover, the support of the Commission, which has been missing a fourth member for three years, has been invaluable. So to the staff, Chairman Ronald DeFilippis, Vice Chairman Walter F. Timpone, Commissioner Amos C. Saunders, and Commission Legal Counsel Edwin R. Matthews, much is owed.



LEGISLATIVE REVIEW & RECOMMENDATIONS

Although 2014 was a relatively quiet year on the election front, action taken by the Legislature will have a major impact on the Election Law Enforcement Commission and the services it provides.

Governor Chris Christie signed the state budget bill (S-2015/A-3482), sponsored by Senator Paul Sarlo and Assemblyman Gary Schaer (both D-36), on June 30, 2014. Significantly, it contained a \$2 million one-time appropriation for the overhaul of ELEC's aging computer equipment and software.

Senate Majority Leader Loretta Weinberg (D-37) sought the funds for two years and, along with Assemblyman John McKeon (D-27), submitted budget resolution #2200 in 2014, which was included in the budget. In a show of bipartisan support, Senator Samuel Thompson (R-12th) lobbied for the appropriation for three years and submitted budget resolution #4148 seeking the funds in 2014.

The special appropriation means not only that ELEC can modernize its aging computer network, a move that will improve its security and stability. The funds also will enable the agency to soon reach the point where everyone required to file disclosure reports will be able to do so electronically.

Later in the year, the Governor on September 20, 2014 signed a second bill (A-2851/S-390) eliminating a requirement that candidates file with county clerks duplicate copies of their campaign disclosure reports. The legislation, which took effect January 1, 2015, accomplishes a long-standing ELEC recommendation.

Like the budget bill, the legislation was enacted with bi-partisan support. The bill's main sponsors are Assembly members Craig Coughlin (D-19), Nancy Pinkin (D-18), Shavonda Sumter (D-35), and McKeon, and state Senators Thompson and Nicholas Scutari (D-22).

Another bill (S-1647) recommended by ELEC authorizes public financing in the event of a special election for the office of governor. Currently, the law is silent on the matter.

Sponsored by Senators James Whelan (D-2) and Diane Allen (R-7), the bill was approved May 5, 2014 by the Senate State Government, Wagering, Tourism and Historic Preservation Committee. Assemblywoman Linda Stender (D-22), introduced an Assembly companion bill (A-3415) on June 16, 2014.

On another bill based on an ELEC recommendation, the state Senate voted 38-0 on October 23, 2014 to approve S-1530. Sponsored by Weinberg, the bill would require governmental agencies that hire lobbyists to file annual disclosure reports with ELEC.

Another bill (S-1921) sponsored by Weinberg would prohibit lawyers or law firms who lobby public agency from simultaneously working for the same agency. It was approved by the Senate State Government, Wagering, Tourism and Historic Preservation Committee on October 16, 2014.

Senators James Beach (D-6) and Jeff Van Drew (D-1) introduced a bill (S-827) in 2014 based on an ELEC recommendation that would require online postings of gubernatorial candidate ballot statements instead of distribution through expensive mass mailings. The bill was approved by the Senate State Government, Wagering, Tourism and Historic Preservation Committee on October 16, 2014.

In other legislative action involving campaign finance issues, the Senate State Government, Wagering, Tourism and Historic Preservation Committee on October 16, 2014 approved a bill (S-2311). The bill would prohibit businesses that receive state development subsidies from making campaign contributions within the state. It is sponsored by Senators Weinberg and Raymond Lesniak (D-20).



Joseph W. Donohue, Deputy Director



LEGISLATIVE REVIEW & RECOMMENDATIONS continued

On December 18, 2014, the state Assembly, by a 23-12 vote, approved a resolution (SCR-132) calling on Congress to hold a limited Constitutional Convention to “limit corruption influence of money in politics and overturn Citizens United decision and related cases.”

The resolution’s chief sponsors are Assembly Members Linda Greenstein (D-14) and Brian Stack (D-33).

NEW PRIORITY RECOMMENDATION

Enact legislation authorizing public financing in the event of a special gubernatorial election.

Potential Benefit: Would ensure that candidates involved in a special election can avail themselves of public financing just like candidates in regular election years.

PRIORITY RECOMMENDATIONS

Disclosure of Super PAC, 527 and 501(c) committee activity. Also, strengthen political parties as part of an effort to offset influence of independent groups.

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 having just one law that applies to state, county and municipal contractors, ending the “fair and open” loophole, lowering from \$50,000 to \$17,500 the threshold for annual disclosure by contractors and raising from \$300 to \$1,000 the amount contractors can contribute.

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.

Enact legislation that would require any state and local candidates in New Jersey setting up legal defense funds to disclose their contributions and expenditures in reports filed with ELEC.

Potential Benefit: Closes a gap in current law, which requires no such disclosure.

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.



LEGISLATIVE REVIEW & RECOMMENDATIONS continued

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: Current law requires disclosure by lobbyists who try to influence state officials, but not those who try to influence county or municipal officials. This expansion of disclosure requirements will make the public better aware of influence peddling at local levels of government.

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.

- Eliminate the gubernatorial spending qualification threshold.
- Lengthen Commissioner terms to six years from three years and select the Commission Chairman or Chairwoman 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.



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.

2005 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.

Eliminates the Requirement of Candidates to File Duplicate Copies of Campaign Treasurer’s Reports with County Clerks established by P.L. 2014, c.58 and N.J.A.C. 19:25-8.12 - effective January 1, 2015.



Kyle Morgan
Intern

Steve Kimmelman
Research Assistant



COMPLIANCE DIVISION

COMPLIANCE SECTION

While 2014 lacked legislative campaigns, major municipal elections, reports filed by those holding office, and thousands of filings by lobbyists and public contractors still provided an ample challenge for members of ELEC's compliance staff.

During the year, 7,867 candidates and committees filed disclosure reports. That represents only a 5.3 percent decrease from 2013, a major election year that featured a gubernatorial election and all 120 lawmakers facing reelection.



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.

Overall, the Commission received 28,481 reports from candidates and other campaign committees, and lobbyists during 2014- a nearly 11 percent drop.

Governmental affairs agents (lobbyists) and represented entities also filed reports with the Commission. Those agents filed 6,062 reports- up 5 percent.

For the third year, lobbyists and represented entities filing 2014 annual reports were required to submit their reports electronically. The transition to electronic filing seems to be going smoothly. ELEC is planning to enable lobbyists to efile quarterly reports in the near future.

Staff completed annual lobbying review project for analytical press releases and to provide easy access to detailed information about annual lobbying reports on the website.

The Compliance Division did an outstanding job of promoting compliance with state disclosure laws during the past years. 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 7,933 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 26 to 1,690.

A critical component of the Compliance Division's effort was the informational seminars conducted over the past year. Staff held 17 seminars for treasurers, candidates, PACs and lobbyists. The better ELEC filers understand Commission rules, the more likely they will abide by them.

Strict adherence to the Open Public Records Act (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 32 OPRA requests resulting in 6,021 photocopies of records.



COMPLIANCE DIVISION continued

SPECIAL PROGRAMS

Administration of New Jersey's publicly-financed gubernatorial elections requires constant evaluation and planning. Therefore, even though the next gubernatorial election occurs in 2017, the Commission undertook activities in 2014 that will form the basis of the next public financing program.



*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.*

HEARINGS

After each publicly-financed gubernatorial election, the Commission seeks comment from gubernatorial candidates, their treasurers, gubernatorial debate sponsors, other interested individuals, and the public at a hearing devoted to public financing.

Since the inception of New Jersey's gubernatorial public financing program in 1977, the comments received at hearings have been invaluable to the Commission in formulating recommendations for legislative action, revising Commission regulations, and improving internal program operations and procedures.

During 2014, a hearing was held on March 18th. Four people offered testimony at the hearing. Discussion topics included: the gubernatorial debates, procedures for applying for public financing and replacing the ballot statement program with more effective advertising.

Comments received at the hearing also form an important part of the Commission's review of the complex gubernatorial public financing regulations. During 2015, the Commission will begin to examine the primary and general election regulations to identify rules requiring clarification and to draft new rules.

This process will culminate in the proposal of new rules and amendments in the New Jersey Register and with public hearings on the proposed changes well in advance of the 2017 gubernatorial election.

EXPENDITURE REVIEW

As it has at the conclusion of past publicly-financed gubernatorial elections, during 2014 the Commission used the State's competitive bidding process to select an independent accounting firm to review the bank accounts maintained by the 2013 publicly-financed gubernatorial primary and general election candidates.

The Commission views this process as an important compliance tool because each gubernatorial campaign knows in advance of the election that it will be subjected to an in-depth examination of its expenditure activity.

The accountants were asked to verify that matching funds were spent only for the specific purposes permitted in the Campaign Reporting Act. These include purchase of media time, printing and mailing of campaign literature, and payment of the cost of producing material aired or displayed on radio and television and in newspapers and other periodicals.

The accountants were also asked to confirm that the campaigns complied with the \$5.6 million primary election expenditure limit and the \$12.2 million general election spending limit. Unlike candidates for other elected offices, publicly-financed gubernatorial candidates are not permitted to retain funds or to transfer those funds to a future election.



COMPLIANCE DIVISION continued

The Campaign Reporting Act and Commission regulations require that a publicly-financed campaign return to the State any funds remaining, up to the total of public funds which the campaign received, after all obligations are satisfied.

The Commission will review the results of the accountants' report during the coming year and will monitor the 2013 campaigns to insure that any available funds are refunded to the State.

INAUGURAL COMMITTEE INFORMATION

Contributions to the gubernatorial inaugural event are capped at the statutory limit of \$500 per contributor. Reports are filed by the inaugural event committee 45 days after the inaugural event and on quarterly intervals thereafter.

During 2014, Commission staff reviewed and computerized 1,514 contributions, totaling \$660,525, to Governor Chris Christie's 2014 inaugural event. This contribution information is available as part of the Commission's contribution database and is available on the Commission's website, along with copies of the inaugural event committee reports.

It should be noted that the inaugural was cancelled due to a winter storm.

PAY-TO-PLAY

Approximately 2,183 business entities filed the Business Entity Annual Disclosure Statement (Form BE) regarding public contracts and contributions made to New Jersey candidates and committees. The reports filed every March 30th are a major part of State efforts to deter corruption.

The reports disclosed 20,545 public contracts totaling \$6,568,935,157.83. Business entities also reported 9,746 contributions worth \$10,693,711.37.

The Special Programs Section also provided filing assistance and answered questions concerning the law. Information regarding pay-to-play activity is provided by the Commission on its website and can be accessed through a variety of search mechanisms aimed at providing detailed information for the State's citizenry.

ASSISTING LAW ENFORCEMENT

Following a long-standing practice, the staff assisted 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

As in 2009, the Commission utilized electronic filing for the 2013 gubernatorial election with its Gubernatorial Electronic Filing System (GEFS). Commission staff has already begun to revise GEFS to improve it for the 2017 election.

During 2014, through the public hearing process, independent review of gubernatorial expenditures, and continuing enhancement of its computer systems, the Commission took important steps to establish a foundation for the 2017 gubernatorial election and to serve the interests of New Jersey citizens and candidates.

Sadly, the last day for the temporary Public Financing staff hired to assist with the administration of the Gubernatorial Public Financing Program was June 30th. We thank Jennifer Kirby, Ivette Franco, David Pennant and Eric Solomon for their invaluable service in administering the program and we wish them well in their future career endeavors.



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, Demery J. Roberts, Michelle R. Levy, and Amanda S. Haines.

COMPLAINTS

The Reporting Act authorizes the Commission to issue complaints alleging violations of the Act and seeking monetary penalties. The Legal Section issued 137 complaints in 2014. Of the 137 complaints, five resulted from investigative matters, and 132 from non-filer recommendations arising from the municipal, primary and general elections. The Section's work resulted in the closing of 99 cases. Also, 92 cases were open as of the end of 2014. These complaints concerned use of campaign funds, failure to file 48-hour notices, and late and non-filing of contribution, expenditure and depository information by candidates and continuing political committees. The Legal Section workload also included motion practice

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 99 final decisions in 2014 for violations of the Act. A total of \$138,277 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. Both of these cases involved the use of campaign funds for legal services related to criminal defense.

In the first case, a state Appellate Court on January 16, 2015 affirmed that former Newark Mayor and state Senator Sharpe James and treasurer Cheryl Johnson violated campaign finance laws when they took \$94,004 from a campaign account to pay for criminal defense costs. The three-judge panel reversed the lower court's determination that both James and Johnson were responsible to reimburse the \$94,004, and remanded the matter for entry of an order directing that James reimburse his campaign fund \$86,504 and that Johnson reimburse \$7,500 as that money was used for her legal services. The appellate judges also remanded the matter for a hearing regarding the \$30,000 penalty imposed by the Court. The Court directed that the lower court must consider "aggravating and mitigating factors" in determining the appropriate penalty. The defendants have petitioned the New Jersey Supreme Court for certification to review the decision of the Appellate Division. 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).



LAW DIVISION continued

In the second case, Joseph Coniglio, a former state Senator in the 38th Legislative District, and his former campaign treasurers Louis Romano and Theresa Romano entered into a settlement agreement with ELEC whereby they agreed to pay \$100,000 to resolve the entire matter, which included a \$30,000 payment to ELEC. The settlement was approved by the Commission on February 12, 2015. Filed in December 2013, the original civil lawsuit 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).

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. During 2014, the Commission moved to revise its regulations to fulfill a legislative mandate to eliminate long-standing rules that required candidates to file duplicate copies of campaign finance reports with County Clerks. The proposal notice (**Proposed Amendment: N.J.A.C. 19:25-8.12**) appeared in the New Jersey Register on December 1, 2014, and was approved by the Commission on March 17, 2015.

ADVISORY OPINIONS

To provide guidance to the regulated community, the Act and Commission Regulations authorize 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 one Advisory Opinion in calendar year 2014.

Advisory Opinion 01-2014 concerned the use of campaign funds to respond to and comply with subpoenas issued by the Legislature and the United States Attorney's Office (USAO) seeking documents. The request was made on behalf of Chris Christie for Governor, Inc. The Commission decided that the expenditures were a permissible use of campaign funds under these circumstances. As to the subpoena issued by the USAO, the Commission found it to be significant that the candidate committee at the time was not a target of a grand jury investigation and concluded that the anticipated expenditure would not be "used for criminal defense of a candidate or for personal use of a candidate or an individual associated with the candidate." The Commission required that if the committee received a target notification, it must return before the Commission and seek a new opinion. The Commission further declared that the expenditures are permissible post-election under the public financing program and not subject to the expenditure limit. It allowed the committee to continue to raise funds to satisfy its obligations beyond a six-month time limit for return of all unspent funds set forth in N.J.A.C. 19:25-15.47.

CONCLUSION

Demery J. Roberts, Esq. was welcomed as the Section's new Legal Director during calendar year 2014. She replaced long-time Legal Director Carol L. Hoekje, who retired in June. 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 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 42 cases in calendar year 2014. Fifteen of these cases were referred to the Legal Section for the issuance of a complaint, all of which recommended



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

issuance 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.

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 web site, 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 cannot be filed by facsimile.

The Commission received and responded to a total of 121 Requests for Investigation in calendar year 2014, 70 of them were presented to the Commission to determine whether or not an investigation should be initiated. The Commission did not have jurisdiction over 12 requests and 39 requests were handled administratively by staff.

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 2014, the Commission determined to open a total of 37 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

Among the 42 investigations closed by the Section in 2014, two were especially significant. Both resulted in separate 21-count complaints.

The first was a 21-count complaint against municipal candidate in the 2009 municipal election for: receipt of excessive contributions, failure to refund the excessive portion of these contributions, failure to file reports in a timely manner, failure to file a final report, and failure to report complete contribution and expenditure information.

The second investigation that resulted in a 21-count complaint was against a continuing political committee for late reporting of contribution and expenditure information.

In order to complete these and other investigations, the Section issued 77 subpoenas in calendar year 2014. These subpoenas were issued 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. In some instances, the Commission issued subpoenas to command witnesses or the subject of the investigation to provide sworn testimony.

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.


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.

Investigation Request Form

	CONFIDENTIAL REQUEST FOR AN INVESTIGATION STATE OF NEW JERSEY NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION <small>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</small>	FORM RFI
	<small>FOR STATE USE ONLY</small>	
<small>The New Jersey Election Law Enforcement Commission ("ELEC") investigative authority is limited to violations of the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., the Personal Financial Disclosure Act, N.J.S.A. 19:44B-1 et seq., and the Legislative and Governmental Processes Activities Disclosure Act, N.J.S.A. 52:13C-18 et seq. ELEC does not have jurisdiction over the conduct of an election, the balloting process, or misapplying public funds for election purposes.</small>		
Person(s) Bringing Request: (Please Print or Type)		
Name: _____	Daytime Phone: () _____	
Address: _____	Evening Phone: () _____	
Name: _____	Daytime Phone: () _____	
Address: _____	Evening Phone: () _____	
Name: _____	Daytime Phone: () _____	
Address: _____	Evening Phone: () _____	
Individual/Entity that is the subject of this request for an investigation: <small>(Please list all persons/entities that are the subject of your request for an investigation.)</small>		
Candidate or Committee/Entity Name	Office Sought/Election type and year	Successful (select one)
_____	_____	Yes No
_____	_____	Yes No
_____	_____	Yes No
_____	_____	Yes No
_____	_____	Yes No
Election District/Municipality _____	County _____	
Indicate which of the above entities files with ELEC _____		



OPERATIONS DIVISION

INFORMATION TECHNOLOGY SECTION (IT)

For ELEC’s Information Technology (IT) Section, 2014 began an important countdown.

It started with the approval in June of a new state budget that included a special one-time, \$2 million appropriation to overhaul critical agency computer systems and programs.



From Left: Helen Kelly, Tamico Flack, Ken Colandrea, Kim Roman, Susan Danley, Lou Solimeo, Brenda Brickhouse, Darlene Kozlowski, Peter Palaitis, Shirley Bryant, Pam Kinsey, Elias Amaya, Carol Neiman, Maryanne Garcia, Aydan Altan, Anthony Giancarli, and Brian Robbins.

ELEC’s staff has been preparing for this massive internal transition for several years.

One major software change will be in the way the agency handles electronic documents. After extensive research into various alternatives, staff decided to replace the document management program used by the agency for 16 years.

After months of consultation with and review by the Division of Revenue and Enterprise Services (DORES), ELEC in January, 2015 received the go-ahead to purchase a new system- BITS DataMiner. Work to install the new system was expected to begin soon afterward.

The new software is expected to more than meet ELEC’s technical needs while requiring lower up-front costs. The program also is expected to be cheaper to maintain.

One of the major benefits of the switch is that anyone who has to file a report with ELEC should be able to do so electronically within a year or two. While ELEC has made steady progress towards full electronic filing, the computer overhaul is needed to actually reach this point.

Most significantly, parties and PACs will be able to e-file.

Lobbyists, who now are able to file their annual reports via the Internet, soon will be able to submit quarterly lobbyist filings in the same manner.

Even though ELEC still hasn’t reached the point of full electronic filing, many reports were filed electronically during 2014. These include:

Candidate Committee R-1 Reports	1,024
Gubernatorial Candidate/Committee Reports	87
Short Form – Candidate/Committee Reports	2,112
Pay-to-Play – Business Entity Annual Filings	2,502
Annual Lobbying	1,437

During 2014, other steps were taken to improve ease of use for those who rely on ELEC’s website along with various security improvements.



OPERATIONS DIVISION

Due to constant conflicts between frequent updates in Java software and FileNet electronic documents used by ELEC to publicly display campaign disclosure reports, the Commission purchased and installed a conversion utility to view FileNet images as Adobe Acrobat PDF forms on the web. This was a temporary fix to the Java issue, which was causing many headaches for users of ELEC's website.

One benefit of the change is improved usability, primarily because Adobe Acrobat files are more commonly used on the Internet than FileNet files. Also, the reports now can be viewed on Apple MAC computers, tablets and smart phones.

A permanent fix will be made when the FileNet document repository is replaced with DataMiner.

Also in 2014, after much research on various backup systems, the outdated backup tape deck was finally replaced with the Symantec Disaster Recovery System appliance and software. The old ArcServe2000 disaster recovery software and tape drive library appliance was beyond repair and at the end of its life cycle.

The Oracle database, used by ELECTrack, the main program the agency uses internally to manage its data files, finally was upgraded by ELEC IT staff to Oracle 11g. This resulted in major security enhancements.

Moreover, ELEC search web pages were rewritten to strengthen security. Additionally, ELEC's public web server, after extensive testing, was moved into a much more secure tier within the state's enterprise system.

A rewrite of the Public Financing Module of ELECTrack started in 2014. It is due for completion in May of 2015. This is the first of the four ELECTrack modules to be rewritten and upgraded to Microsoft .Net. ELEC's IT staff is working with consultants on this project.

Also in 2014, computers used by ELEC staff all were migrated to Windows 7 as support from Microsoft Windows XP ended on April 8th. ELEC acquired and installed new laptops, a new electronic filing service and two large network printers during the year.

After refreshing all of the Windows XP PCs, many of the robot programs that run in the background for various programs had to be rewritten. ELEC IT staff undertook that task and rewrote the programs in Microsoft .Net.

Domain controllers were upgraded. This project was started in 2013 and completed by OIT for ELEC in 2014.

In addition to changes mentioned above, other improvements anticipated in 2015 include upgrades to three additional modules of ELECTrack; migration of ELEC's email system to NJDeliverE, State Messaging System; and a Cisco switch upgrade.

DATA ENTRY

ELEC's data entry staff also was busy in 2014. It processed 1008 Registration and PIN applications.

The staff assisted Compliance Division with the annual lobbying filing verification and correction process.

The data entry staff also completed contributor data for all of the 2013 races and last quarter of the big six, county and municipal political party committees. They entered contributor data for the 2014 races and, Legislative Leadership, State, county and municipal political party committees.

Contributor data for post-election and last quarter of 2014 races will be entered after reports are received in 2015.

OPERATIONS DIVISION HOMEPAGE



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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search



STATE OF NEW JERSEY

NEW JERSEY CAMPAIGN FINANCING AND LOBBYING DISCLOSURE

ELECTION LAW ENFORCEMENT COMMISSION



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Issue 70, April 2015



Spotlight On
White Paper #25 Top Local Elections in New Jersey – A Tale of Two Cities and More
Electronic Filing for Lobbying Annual Reports



Hours of Operation

Commission: 9:00 am - 5:00 pm
Monday - Friday

Public Room: 9:15 am - 4:45 pm
Monday - Friday

Commission Meeting & Minutes

The New Jersey Election Law Enforcement Commission will have a meeting at 11:00 a.m. on Tuesday, April 21, 2015, at the Commission's office at 28 West State Street, 12th Floor, Trenton, New Jersey. [Read further>>](#)

Public Session Minutes from:

- February 20, 2015 [Read further>>](#)
- February 17, 2015 [Read further>>](#)
- February 12, 2015 [Read further>>](#)

News Releases

Total lobbying expenditures in New Jersey fell by \$5.1 million in 2014, an 8.1 percent decrease compared to the previous year, according to an analysis of annual lobbying reports released today by 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.

Legal Resources

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

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.

Business Entity Pay-to-Play Training Seminars:

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ:

- March 25, 2015 at 10:00 a.m.

Please register for the seminar you would like to attend by going to [elec.state.nj.us](#). Since space is limited, you must reserve a seat in order to attend.

If you register and are unable to attend, need directions or immediate assistance concerning business entity filing requirements, please call (609) 292-8700 or toll free in New Jersey at 1-888-313-ELEC and ask to speak with an Analyst in the Special Programs Section. Thank you

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.



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Tel. (609) 292-8700 or Toll Free within NJ 1-888-313-ELEC (3532)



FINANCE AND ADMINISTRATION SECTION

During 2014, 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 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 a voicemail or telephone menu.



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

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 severe budget constraints in recent years. However, the Commission's fiscal year 2015 Direct State Services adjusted appropriation of \$6.325 million is \$2.071 million higher than the fiscal year 2014 adjusted appropriation of \$4.254 million. This difference is due to a special onetime appropriation of \$2 million for technology upgrades. Thus, Finance and Administration Section staff continued to work to ensure the accurate budgeting and management of expenditures.

During 2014, 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 impacted by the fiscal challenges facing the State in recent years. Staff levels have steadily declined since peaking in 2005. Finance and Administration Section staff successfully worked with the Civil Service Commission during 2014 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 2014 the Section continued to work 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 2014, 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 2016, the Commission anticipates an appropriation of \$4,345,000 based on the Governor's Budget Message.

COMPARISON OF FISCAL YEARS 2014 AND 2015 ORIGINAL DSS APPROPRIATIONS

	<u>FY-2014</u>	<u>FY-2015</u>
	<u>Appropriation</u>	<u>Appropriation</u>
Personnel	\$3,821,000	\$3,892,000
Printing & Supplies	45,000	45,000
Travel/Training	5,000	5,000
Telephone	58,000	48,000
Postage	56,000	27,000
Data Processing	186,000	225,000
Professional Services	40,000	40,000
Other Services	30,000	30,000
OIT	11,000	11,000
Maintenance for Equipment	2,000	2,000
Special Purpose:		
Technology Upgrade	0	2,000,000
Furniture/Equipment	0	0
Total Operational	\$4,254,000	\$6,325,000

2014 EVALUATION DATA

Disclosure Reports (Total).....	30,983
Campaign & Quarterly.....	22,419
Lobbyist	6,062
Pay-to-Play.....	2,502
Investigations	42
Complaints.....	137
Public Assistance Requests	9,724
Photocopies.....	6,021
Fine Collection	\$138,277
Lobbying Annual Fees.....	\$333,200
Campaign Fundraiser Annual Fees	\$11,000



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. McNany, III, Chair
Judge Stanley G. Bedford, Commissioner
David Linett, Commissioner

1993-1994

Owen V. McNany, 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)

2012-2015

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
2012-Present	Edwin R. Matthews

CONSULTANT

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



ELEC-TRONIC

ELEC-Tronic is a monthly publication by the Commission. Since its inception in July 2009, it has produced 70 issues providing substantive information about trends in campaign finance, lobbying, and pay-to-play.

To subscribe to the newsletter, please visit our website at www.elec.state.nj.us

April 2015

Issue 70



ELEC-TRONIC

An Election Law Enforcement Commission Newsletter

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"Furthering the Interest of an Informed Citizenry"

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Chairman

Walter F. Timpone
Vice Chairman

Amos C. Saunders
Commissioner

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Legal Counsel

Directors

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Shreve Marshall
Christopher Mistichelli

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- Adoption of Regulations
- Executive Director's Thoughts
- Annual Registration Fee for Governmental Affairs Agents
- Lobbying Annual Reports 2014
- Training Seminars
- Lobbying Reporting Dates
- Reporting Dates

Website:

www.elec.state.nj.us

COMMENTS from the Chairman Ronald DeFilippis

This past Monday, March 30, public contractors filed annual disclosure statements with the Commission.

Subject to the Pay-to-Play law, contractors are required to disclose their activity to ELEC if they have received \$50,000 or more in public contracts statewide.

The requirements of disclosure include the name and mailing address of the contractor along with the identity of the public entities from which the business received money in the previous year.

The following information is required to be disclosed and can be accessed by every citizen at www.elec.state.nj.us.

1. The name of the public entity;
2. The amount of money received from the public entity;
3. The date of each contract and information to identify the specific contract with the governmental entity; and
4. A description of the goods, services, or equipment provided or properly sold to the public entity.

Moreover, the public can access the following information required to be disclosed by public contractors.

1. The candidate committee or joint candidates committee receiving a contribution;
2. The address of the committee; and
3. The date and amount of the contribution.

In addition, the same information must be supplied relative to contributions made to political parties, legislative leadership committees, political committees, and PACs.

Public contractors are also required to disclose the amount of the contributions donated during the calendar year to candidates and committees mentioned above.

Even if a business has not made any contributions during the past year but nevertheless received \$50,000 or more in public contracts, that contractor is still required to file a form indicating that no contributions were made.

Following the disclosure of business entity reports, the Commission will publish an analytical press release summarizing public contractor activity in 2014.

Last year, public contractors made \$10.1 million in contributions and received \$6.4 billion in contracts from public entities.