

# 2015 Annual Report

New Jersey

Election Law Enforcement Commission



[www.elec.state.nj.us](http://www.elec.state.nj.us)

April, 2016



## COMMISSIONERS & SENIOR STAFF

### Commission's Office

New Jersey Election Law Enforcement Commission  
28 West State Street, 13<sup>th</sup> Floor  
Trenton, New Jersey

(609) 292-8700 or  
Toll Free Within NJ 1-888-313-ELEC (3532)

Website: <http://www.elec.state.nj.us/>  
Facebook: <https://www.facebook.com/NJElectionLaw>  
Twitter: <https://twitter.com/elecnj>



*From left: Special Programs Analyst Scott M. Fagerty, Legal Director Demery J. Roberts, Legal Counsel Edwin R. Matthews, 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.

	<b>PAGE</b>
The Commission .....	1
Commission Staff.....	5
Message from the Chairman.....	6
Executive Director's Remarks .....	8
Legislative Review and Recommendations...	10
Statutory History of ELEC .....	13
Compliance Division	
Compliance Section .....	14
Special Programs .....	15
Law Division	
Legal Section.....	16
Review and Investigation Section.....	18
Information Technology Division	
Information Technology Section .....	20
Data Entry Section .....	21
Homepage.....	22
Finance and Administration Division .....	23
Table of Organization.....	25
ELEC Overview .....	26



## REMEMBERING JUDGE AMOS C. SAUNDERS

Amos C. Saunders, a longtime member of the New Jersey Election Law Enforcement Commission and a retired Superior Court judge, died at his Totowa home on Sunday, August 16, 2015.

The 81-year-old commissioner died after a long battle with asbestos-related lung cancer. He was appointed by Governor Jon Corzine in June 2008 and reappointed by Governor Chris Christie in September 2010. Despite his illness, he participated in commission meetings via conference calls for much of the past year and even took part in the July 15, 2015 meeting.

“Having known Judge Saunders has truly been a privilege,” said Jeff Brindle, ELEC’s Executive Director. “His commitment to serving the public and his love of his family will always be an inspiration to me.”

Brindle added: “He was impartial, had great common sense and good humor, and courageously continued his role as commissioner until his final days. His death is a great loss for the Commission.”

During his 23-year tenure on the bench in Passaic County, Judge Saunders, a Republican, won wide respect.

He was born in Paterson, N.J., and raised in Fair Lawn, N.J., and practiced law there as a partner in the firm of Dobrin, Muscarella, Saunders and Bochet before being appointed to the judiciary in 1977 by Governor Brendan T. Byrne. He served in every division of the Superior Court before being named as Passaic County’s Chancery Judge handling general equity matters.

Judge Saunders handled some of the most difficult and high profile cases in Passaic County history, including right-to-die cases, the murder trial of Paterson

funeral director E. Lee White, and the guardianship of an anorexic teenager.

He was best known as one of the nation’s premier experts on boxing law after 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 the International Boxing Digest as one of the most powerful people in the sport.



*Amos C. Saunders, Commissioner*

He loved to play golf, fish, and travel. Judge Saunders married his high school sweetheart, Janet Botbyl, in 1955, and they had three children. His oldest son, Amos Jr., died from leukemia in 1982. Judge Saunders is survived by his wife, Janet; son, Richard and his wife, Florence; his daughter, Pamela, and three grandchildren, Christopher and Matthew Brighton, and Abigail Saunders.

Judge Saunders received his B.A. from Hampden-Sydney College and his J.D. from Columbia University Law School.



## HOW TO CONTACT ELEC

	<b>BY VISITING OUR OFFICES LOCATED AT:</b>	
<p style="text-align: center;">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 style="text-align: center;">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 style="text-align: center;">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 style="text-align: center;">(609) 292-8700</p>		
<p style="text-align: center;">TOLL FREE WITHIN NEW JERSEY 1-888-313-ELEC (3532)</p>		
	<b>BY FAX AT:</b>	
<b>48-HOUR REPORTING OF CONTRIBUTIONS AND EXPENDITURES MADE BETWEEN 13 DAYS PRIOR TO ELECTION AND ELECTION DAY:</b>		<p style="text-align: center;">(609) 292-7662</p>
<b>REQUESTS:</b>		<p style="text-align: center;">(609) 633-9854</p>
<b>LEGAL:</b>		<p style="text-align: center;">(609) 777-1457</p>
	<b>VIA THE INTERNET AT:</b>	
<p style="text-align: center;">WEBSITE: <a href="http://www.elec.state.nj.us/">http://www.elec.state.nj.us/</a></p>		
<b>VIA SOCIAL MEDIA AT:</b>		
<p style="text-align: center;">FACEBOOK: <a href="https://www.facebook.com/NJElectionLaw">https://www.facebook.com/NJElectionLaw</a> TWITTER: <a href="https://twitter.com/elecnj">https://twitter.com/elecnj</a></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

### **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 103 articles in newspapers, magazines, and periodicals, including "Campaigns and Elections," "The New York Times," "Politickernj.com," "NewJerseyNewsroom.com," and "The Star-Ledger."



*Jeffrey M. Brindle, Executive Director*

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 82 issues that have appeared through April 2016.

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.





## 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 Assistant  
 Elbia L. Zeppetelli ..... Administrative Assistant  
 Renee Zach ..... Legal Secretary

## INFORMATION TECHNOLOGY DIVISION

Anthony Giancarli ..... Director  
 Kim Roman ..... Associate Director  
 Brian Robbins ..... Executive Software Engineer  
 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

### Data Entry

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 & ADMINISTRATION DIVISION

Christopher Mistichelli ..... Director  
 Elaine J. Salit ..... Senior Fiscal Officer  
 Judy Sheridan ..... Personnel Officer  
 Christine Clevenger ..... Fiscal Assistant  
 Tamika McCoy ..... Assist. to Admin. & Finance  
 Valencia Daly ..... Receptionist  
 Jelitza DeLeon ..... Senior Receptionist  
 Aracelis Brown ..... Senior Clerk  
 Igor Milewski ..... Clerk

## COMPLIANCE DIVISION

### Campaign Financing and Lobbying

Stephanie A. Olivo ..... Compliance Director  
 Todd J. Wojcik ..... Associate Director of Compliance  
 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  
 Monica Triplin-Nelson ..... Technical Assistant  
 Elizabeth A. Michael ..... Technical Assistant  
 Desiree DeVito ..... Technical Assistant  
 Michel Donato-Suarez ..... Clerk

### Special Programs

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  
 Benjamin Kachuriner, Esq. .... Assistant Legal Director  
 Scott Miccio, Esq. .... Assistant Legal Director  
 Maureen Tilbury ..... Legal Secretary

### Review and Investigation

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

### Interns

Gina Streeter ..... Legal Intern  
 Adam Pirtle ..... Legal Intern



## MESSAGE FROM THE CHAIRMAN

The New Jersey Election Law Enforcement Commission is mainly thought of as a disclosure agency, which of course it is. However, it is actually much more than that. The Commission is comprised of a unique blend of disclosure, prosecutorial, quasi-judicial, and legislative responsibilities.

Key to the successful administration of all these areas is, without a doubt, the Commission's computer technology.

In fiscal year 2015, beginning in July of 2014, the Commission received a special appropriation of \$2 million for the purpose of overhauling its then 14-year old computer system.

I am happy to report that, despite initial delays in acquiring approvals for various aspects of the project, the Information Technology staff is well on its way toward implementing the upgrade, which is slated for completion early in 2017.

The new state-of-the-art system will enable users to access information from their iPads, with the overall speed and easiness by which information can be accessed fully enhanced.

Electronic filing of lobbyist quarterly reports will be introduced in 2016 along with a newly designed, and simplified website.

In addition to the above, the system will ultimately enable all filers, including candidates, political parties, PACs, lobbyists, and pay-to-play business entities to file electronically.

Therefore, it is with great expectation that the Commission looks forward to the completion of this project and to the numerous possibilities for enhancing both disclosure and enforcement that will accompany it.

And, incidentally, the project is coming in under budget at about \$1.9 million.

At this point, I would be remiss to not applaud recently retired IT Director Carol Neiman for her

excellent work through the years, while at the same time welcome long-time project manager Anthony Giancarli as the new Director.



*Ronald J. DeFilippis, Chairman*

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.

Certainly, the Commission is excited about the ongoing modernization projects. However, the public should be assured that the traditions of service established in the past will not change.

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

Debra Kostival and Irene Comiso, ELEC's veteran and highly regarded receptionists may have retired, but they have been replaced by two new employees, Valencia Daly and Jelitza DeLeon who are continuing the tradition of friendliness and top-flight service.

Another tradition that will not change, and in fact will even improve, is the attention paid to serving the citizens by the Compliance section.

With new accountability measures put into place along with the reorganization of Compliance staff, the new Director of the Compliance Division, Stephanie Olivo, oversees a staff that will conduct numerous training sessions and begin to prepare for the Gubernatorial Public Financing Program starting in fiscal year 2017.

During 2015, approximately 33,406 reports were scanned and processed. Because of the internet, and the fact that all candidate reports are online, photocopying of reports has declined.

All told, only 6,211 photocopies of reports were made for the public. That's a sharp contrast to the 223,000 paper copies made in 1997, the year ELEC first went online.



## MESSAGE FROM THE CHAIRMAN continued

In total, consistent with the Commission's mission of disclosure, a compliance rate of over 90 percent was again reached in 2015.

Furthermore, 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.

The Commission has always prioritized its response time to the public, with or without the Act.

In conclusion, besides conducting on-site and off-site training seminars, the Compliance staff is always ready to assist the public via telephone and in person.

The Legal staff pursued a very heavy agenda in 2015. Truly a year like no other, the Legal staff found itself in the midst of numerous complex cases that required Legal Director Demery Roberts and staff attorneys to spend weekend and evening hours planning for upcoming cases.

As the result of these circumstances and the prospect for the same in the future (as campaign financing becomes more of a tangled web), efforts have been made to reorganize the staff, institute new procedures, and add new lawyers.

As of this writing, two additional lawyers, Ben Kachuriner and Scott Miccio, have been hired to bring the Legal staff to seven members plus a Legal Secretary, Maureen Tilbury. These new hires are the result of reorganization efforts upon retirements and not as the result of adding to the total number of ELEC staff. Monetary savings also resulted from the above mentioned reorganization efforts.

Despite the fact that during most of 2015, the Legal staff was comprised of just five attorneys, it nevertheless was responsible, not only for handling difficult cases, but for preparing advisory opinions, drafting regulations, and undertaking legal research.

In 2015, the Legal Division issued a total 269 complaints and final decisions against candidates, lobbyists, and organizations in violation of the various statutes under ELEC's jurisdiction.

Working closely with the Legal Division is the Review and Investigation section, headed by Shreve Marshall.

Due to efforts to reorganize, strengthen, and make more efficient, the Review and Investigation section added one member, Laura Jurkiewicz, who was transferred from the Special Programs area.

Though not nearly enough to enable the section to handle the yearly onslaught of complaints, R&I is now comprised of five staff members.

During 2015, these five investigators, who must cover the entire State, completed 50 investigations, which resulted in penalty recommendations.

Unquestionably, the Legal and Review sections perform a crucial role in enabling the Commission to maintain its high compliance rate. The compliance and enforcement areas go together like hand and glove.

Chris Mistichelli, Finance and Administration, along with his staff, whose responsibilities also include personnel, has continued to build on his strong reputation for budgetary and fiscal management. His continued efforts to enhance fiscal efficiencies has enabled the Commission to survive very difficult budgetary years while at the same time pursue new initiatives.

While not part of Finance and Administration, the efforts of Administrative Assistant Elbia Zeppetelli and her staff cannot be overestimated.

Finally, Commission Deputy Director Joe Donohue, once again produced important analytical press releases on campaign finance issues, lobbying, and pay-to-play. His in-depth white papers also furthered a tradition set in the 1980's, all of which has contributed to the enhanced profile of the Commission.

On behalf of the members of the Election Law Enforcement Commission, which unfortunately number two out of four, with two vacancies, I proudly submit this report to the Legislature.



## EXECUTIVE DIRECTOR'S REMARKS

In 2015, the voters witnessed the advance of independent group spending in New Jersey, as outside groups accounted for 35 percent of all money spent in the general election for State Assembly.

Needless to say, this spending had a significant impact on the outcome of the election in that the bulk of it was spent in three targeted districts with a bit left over for three additional districts.

The inordinate effort on the part of independent groups last year follows on the heels of \$41 million spent in the gubernatorial and legislative elections of 2013 and additional amounts spent in local campaigns in 2014 and 2015.

With the possibility of tremendous outside group spending, this year for and against important ballot questions, and the inevitable participation of wide spread independent organizations in the gubernatorial and legislative contest of 2017, the completion of the Commission's computer upgrade becomes more and more important.

Fortuitously, the Commission received a special appropriation for that purpose in fiscal year 2015, or in layman's terms, calendar year 2014.

Despite an eight month delay in getting approvals to start the project, the Commission is now well on the way toward bringing electronic filing to all filers, lobbyists, political parties, legislative leadership committees, and political action committees (PACs).

Candidates have had the capacity to file for a number of years now.

The completion of the computer upgrade project will take place just in time to greet the gubernatorial and legislative elections of 2017.

The state-of-the-art system will feature a new, simplified, and easy to navigate website as well as bells and whistles which will enable filers to file reports and access reports from their iPhones.

This new technology will certainly facilitate the Commission's mission of disclosure in this new and volatile campaign finance environment.

Having said this, however, it is still important for the Legislature to enact legislation consistent with *Citizens United's* strong endorsement of disclosure by requiring registration and disclosure by independent groups.

While contributions cannot be capped they can constitutionally be allowed to be disclosed.

Moreover, so can expenditures by these groups be disclosed, whether or not their advertising advocates expressly for or against a candidate.

Further, these groups are undertaking many of the traditional functions of political parties such as polling, research, get-out-the-vote, and voter registration, let alone new found efforts to micro-target voters through social media.

So, why should these groups not be treated in the same fashion as political parties and candidates.

Speaking of political parties, during 2015 proposals were put forth to strengthen the parties to offset the influence of these outside groups.

Unfortunately, in recent years the political parties in New Jersey, both state, county, and municipal have been weakened against the onslaught of independent spending.

This development is not in the best interest of the political system or public in that parties are highly regulated, accountable, serve as a link to voters, and represent a broad coalition of voters as opposed to special interests.



*Jeffrey M. Brindle, Executive Director*



## EXECUTIVE DIRECTOR'S REMARKS *continued*

---

Therefore, parties should be strengthened by increasing contribution limits on donations made to them, exempting them from pay-to-play, and allowing them to participate in gubernatorial elections.

Moreover, it is hoped that the U.S. Supreme Court will allow more money to be used by state parties out of their federal accounts for party building purposes.

Another reform that the Commission continued to press for in 2015 involved the highly complicated pay-to-play law. The Commission has called for the law to be simplified to eliminate the confusion currently existing, to make it more understandable and enforceable.

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

Further, it recommends 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.

Any reform, as noted above, should include political parties exempted from pay-to-play and political action committees (PACs) included in it.

Any contractor donations going to independent groups that are participating in New Jersey should single out independent groups when and if they are required to disclose.

In the meantime, business entities should highlight contributions they have made to independent groups when filing pay-to-play reports in March.

With the gubernatorial contest looming in 2017, one other proposal is ripe for adoption by the Legislature.

This proposal by ELEC, joined by the county clerks, would eliminate the 500 word gubernatorial ballot statement in printed form, and instead require

these statements to be posted on the county clerks' and ELEC's websites.

This measure would both save \$600,000 plus dollars and at the same time bring the statement to the public much sooner than a few days before Election Day.

During the past few years, the Commission has been moving steadily toward the future. In addition to the computer upgrade, the Commission will be moving to a new location, totally renovated, allowing all staff to be on one floor.

Though there have been delays, the Commission hopes to be in its new quarters in December.

As part of this movement toward the future, the Commission has implemented a number of critical, and, new measures.

Among these measures are the local contributor database, the newsletter, analytical press releases and white papers, columns, online access to lobbying quarterly and annual reports, online video treasurer training, YouTube, Facebook, and twitter.

In addition, all advisory opinions are accessible via the website, as are Commission complaints, final decisions, and pay-to-play disclosure.

Finally, in a note of sadness, I want to mention the passing in August of Commissioner, and former Superior Court Judge Amos Saunders, whose dedication to the Commission is unsurpassed.

And, a special thanks to Chairman Ronald DeFilippis, Vice Chairman Walter F. Timpone, and Commission Legal Counsel Edwin R. Matthews for their continued support.

And, last but not least, I pay tribute to the staff, without whose tireless efforts and professionalism, the success the Commission has achieved would not have been possible.



## LEGISLATIVE REVIEW & RECOMMENDATIONS

Independent special interest groups continued to play a dominant role in legislative elections held in 2015.

Of the estimated \$44 million spent on both the primary and general elections, about \$11.6 million came from independent groups. Their outlays represent about 26 percent of total spending.

While independent spending has been allowed ever since modern campaign finance laws were adopted in the early 1970s, it has been only since the last decade that spending has really shot up.



*Joseph W. Donohue, Deputy Director*

To put the increase in perspective- since 1977, independent spending on New Jersey gubernatorial or legislative elections totaled roughly \$75 million. Just since 2009, more than \$66.8 million has been spent- 89 percent of that total.

**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
2015	\$ 11,633,653
<b>TOTAL</b>	<b>\$ 74,925,556</b>

\*Largest of several small expenditures

It is commendable that some of the independent groups voluntarily filed reports that

included the names of their contributors, particularly during the 2015 election. But several others in previous years did not. Unfortunately, under current New Jersey law, all \$75 million could have been spent without anyone detailing how they raised one dime.

Since 2010, one of the top legislative priorities of the Election Law Enforcement Commission is that independent special interest groups comply with the same disclosure standards as candidates, parties and continuing political committees (PACs). The recommendation would extend disclosure rules to federal Super PACs, which didn't even exist in 2010; 527 committees; and 501(c) committees that actively participate in New Jersey elections.

### LEGISLATIVE ACTIVITY

One ELEC recommendation adopted into law during the 216<sup>th</sup> Legislature, which ended in January 2016, was a bill that dropped a long-standing requirement for candidates to file duplicate campaign finance reports with county clerks as well as with ELEC.

Governor Chris Christie signed the bill (A-2851/S-390) ending this inconvenience on September 20, 2014. The legislation took effect January 1, 2015.

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 John McKeon (D-27), and state Senators Samuel Thompson (R-12) and Nicholas Scutari (D-22).

On another bill based on an ELEC recommendation, the state Senate voted 38-0 on October 23, 2014 to approve S-1530. Sponsored by Senate Majority Leader Loretta Weinberg (D-37), the bill would require governmental agencies that hire lobbyists to file annual disclosure reports with ELEC.



## LEGISLATIVE REVIEW & RECOMMENDATIONS continued

After the new two-year legislative session began, the state Senate in a 35-0 vote on February 11, 2016 approved a bill (S-96) co-sponsored on a bipartisan basis by Sens. James Whelan (D-2) and Diane Allen (R-7). The bill would adopt ELEC's proposal to authorize public financing in the event of a special gubernatorial election.

The state Senate also approved another campaign finance bill that was not an ELEC recommendation that would bar business from receiving state development subsidies if they made political contributions. Sponsored by Senators Weinberg and Raymond Lesniak (D-20), the bill (S-2311) was approved 21-11 on September 24, 2015.

### **NEW PRIORITY RECOMMENDATION**

**Enact legislative changes to strengthen political parties. These include raising contribution limits to adjust for inflation, exempting party entities from pay-to-play contribution limits, allowing state parties to spend directly on gubernatorial elections and ending the ban on party transfers during primaries.**

The rapid rise of independent groups has seriously weakened political parties, which are more accountable and transparent because they have long been required to file detailed disclosure and spending reports. Taking steps to shift money away from independent groups to parties should benefit voters by leading to more disclosure.

### **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 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.

**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.





## LEGISLATIVE REVIEW & RECOMMENDATIONS continued

---

**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.

**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.



Steve Kimmelman  
Research Assistant



## COMPLIANCE DIVISION

### COMPLIANCE SECTION

The Compliance Division manages compliance programs for all aspects within ELEC's jurisdiction. The Division, consisting of compliance officers and technical assistants, performs a wide array of functions, with a primary purpose of assisting the regulated community on a daily basis. The staff is available in person and over the phone to help gain compliance with the applicable reporting and disclosure laws in order to disclose the required information to the public.

committees and continuing political party committees; annual lobbying, wherein registered governmental affairs agents and represented entities disclose receipts, expenditures and other related financial information; registration of governmental affairs agents and quarterly lobbying activity; and registration of professional campaign fundraisers and quarterly fundraising activity.

During the year, 7,322 candidates and committees filed approximately 25,041 disclosure reports. There were an average of 937 registered



*Sitting from left: Monica Triplin-Nelson, Stephanie Olivo, Kim Key, Desiree DeVito, and Christopher Vigale.  
Standing from left: Scott Fagerty, Todd Wojcik, Maite Hopkins, Michel Donato-Suarez, Danielle Hacker, Milene Matos, Marcus Malmignati, Nancy Fitzpatrick, and Titus Kamal.*

In 2015, compliance programs were in full swing for election cycle reporting pertaining to candidates, joint candidate committees and political committees, which included candidacies for the General Assembly, local primary and general, school board, fire district, May Municipal, December Runoff and a few special elections.

There was also quarterly reporting relating to political party committees, legislative leadership

governmental affairs agents that filed 3,850 reports disclosing their lobbying activity on a quarterly basis and related reports filed to register and terminate represented entities totaling 875. Governmental affairs agents, together with 2,010 represented entities, filed 1,127 reports disclosing the required financial activity. Lastly, there were an average of 16 professional campaign fundraisers registered that filed 71 reports in 2015. There were 1,696 registered continuing political committees (also called PACs) in 2015.



## COMPLIANCE DIVISION continued

The reports received by ELEC are filed electronically or are scanned by compliance staff in order to be viewable by the public on ELEC's website. Compliance officers associate the reports to the appropriate filing entity and review for compliance with the applicable law and regulations. In addition to direct mail reminders, delinquent and non-filer letter, seminars, in-person and telephone assistance, compliance staff sends direct correspondence to candidates and committees pinpointing corrections needed for proper disclosure. Compliance staff held 21 seminars, certified 244 treasurers, responded to 8,203 telephone assistance calls and responded to 30 Open Public Records Law requests. Staff also conducts a review of annual lobbyist reports and pre- and post-election legislative reports to allow for the preparation of several analytical press releases.

### SPECIAL PROGRAMS

Compliance staff also assists business entities in the filing of required disclosures for compliance with Pay-to-Play. In 2015, 2,442 business entities electronically filed the Business Entity Disclosure Form, which are viewable on ELEC's website. The forms disclosed 19,519 public entity contracts worth \$6,945,861,308, and 8,224 contributions to candidates and committees totaling \$9,846,508.21.

In 2015, compliance staff worked closely with both the Legal Section and IT staff to get ready for mandatory electronic filing for all governmental affairs agents filing quarterly lobbying activity reports and reports required to register and terminate agents and represented entities. Staff worked tirelessly to create forms and instructions, to allow users to efficiently report the required lobbying activity, and is prepared to offer informational and instructional seminars for all interested users.

The compliance division also administers the Gubernatorial Public Financing Program. Although the next Gubernatorial Election will not occur until 2017, the compliance staff continues to review instructional

material and works with IT staff to insure that the upcoming cycle will be ready for filers.

The Compliance Division's major goal is to provide excellent customer service. Every effort is made to provide information and instruction on properly completing the disclosure forms and to provide the public with accurate and meaningful disclosure of information to promote the intent of the law and regulations. Providing this service on a daily basis in a professional manner to the regulated community and to the public our highest priority.

The following manuals are available online at: <http://www.elec.state.nj.us/forcandidates/overview.htm> For further assistance please contact the Commission staff at (609) 292-8700 or toll free within New Jersey: 1(888) 313-ELEC (3532).





## 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.

### **COMPLAINTS**

The Reporting Act authorizes the Commission to issue complaints alleging violations of the Act and seeking monetary penalties. The Legal Section issued 157 complaints in 2015. Of the 157 complaints, 15 resulted from investigative matters, and 142 from non-filer recommendations arising from the municipal, primary and general elections. The Section's work resulted in the closing of 112 cases. Also, 137 cases were open as of the end of 2015. These complaints concerned use of campaign funds, failure to file 48-hour notices, making a contribution in the name of another, 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 112 final decisions in 2015 for violations of the Act. A total of \$103,643.45 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.



*From left: Demery J. Roberts, Steven J. McManus, Ben Kachuriner, Theresa J. Lelinski, Gail L. Shanker, Scott Miccio, Michelle R. Levy, and Amanda S. Haines.*

### **ADDITIONAL LITIGATION**

The Commission was represented by the Office of the Attorney General in the matter New Jersey Election Law Enforcement Commission v. Sharpe James, Cheryl Johnson, and Election Fund of Sharpe James, Docket No. C-131-11, which involved the use of James' campaign funds for legal services related to his criminal defense. A state Appellate Court on January 16, 2015 affirmed that former



## LAW DIVISION continued

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. As the New Jersey Supreme Court denied the defendant's petition for certification, the matter was remanded back to the trial court. Oral argument was heard on November 20, 2015, and the trial court issued an order and accompanying decision on February 22, 2016. The trial court ordered that Sharpe James and Cheryl Johnson repay the Election Fund of Sharpe James \$86,504.08 and \$7,500 respectively. The trial court, after considering aggravating and mitigating circumstances, also ordered that Defendants pay \$25,500 in civil penalties to ELEC.

### 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 2015, the Commission amended its lobbying regulations to increase the annual lobbying fee, which had not been increased in over a decade, and to provide for mandatory electronic filing. These amendments appeared in the New Jersey Register on July 20,

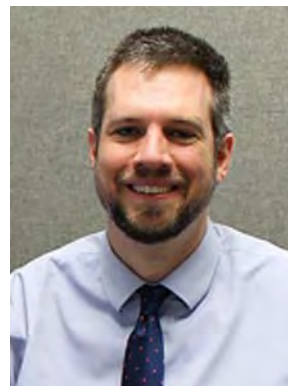
2015 and February 16, 2016, respectively. The Commission also proposed a new rule requiring a public hearing on a rulemaking notice of proposal if there was sufficient public interest. This new rule also appeared in the New Jersey Register on February 16, 2016.

### 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 did not issue an Advisory Opinion in calendar year 2015.

### 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 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.



**Adam Pirtle**  
Legal Intern



**Gina Streeter**  
Legal Intern



## **REVIEW AND INVESTIGATION SECTION (R&I)**

The Review and Investigation consists of a Director and five investigators.

In calendar year 2015, the Review and Investigation Section closed 50 investigations. The investigations primarily focused on the incomplete or untimely filing of campaign reports. The investigations involved such things as complete disclosure of contribution and expenditure



*From left: Christopher Gear, Matthew Krinsky, Shreve Marshall, Laura Jurkiewicz, Lovinsky Joseph, and Brett Mead.*

information, receipt of excessive contributions, reporting obligations of individuals and/or entities that expended funds independently of the candidate. Of the 50 cases that were presented to the Commission, 23 of these cases were referred to the Legal Section for the issuance of a complaint, all of which recommended issuance of multi-count complaints. The complaints resulted in the imposition of substantial monetary penalties.

## **REQUESTS FOR INVESTIGATION**

Any member of the public can request an investigation by completing the Confidential Request for Investigation form, which can be found on the Commission's web site, [www.elec.state.nj.us](http://www.elec.state.nj.us). The Requests for Investigation continue to be a major source of information regarding alleged violations of the Reporting Act as the public continues to hold accountable their elected officials. When submitting a Request, it is helpful for the complainant to provide 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, Requests cannot be filed by facsimile.

The Commission received and responded to a total of 97 Requests for Investigation in calendar year 2015. Sixty-four were presented to the Commission to determine whether or not an investigation should be initiated. The Commission did not have jurisdiction over 4 requests, 4 requests could not be pursued because they were received from an anonymous source, and 25 requests were resolved 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 2015, the Commission determined to open a total of 35 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

In order to complete investigations, the R&I Section will often issue a subpoena to entities that are either the subject of the investigation or to financial institutions where a designated campaign or organizational depository is established. The subpoenas are issued for the production of documents that are needed to corroborate the financial information that was reported by the respondents or to obtain more accurate information to assist the respondents with their filing obligations. In calendar year 2015, the section issued 115 subpoenas.

### 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 that have failed to file any reports.

The R&I Section also assists the attorneys in the Legal Section with follow-up enforcement activity, including locating addresses for sheriff's service of complaints and for the preparation of cases for hearings before the Office of Administrative Law. In the later 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

Due to the Commission's limited resources, the Section strives to do its best to meet the challenge of responding to and serving the members of the public. The Review and Investigation Section also continues to provide assistance to other law enforcement agencies including the FBI, the Division of Criminal Justice, and the U.S. Attorney's office.

The following RFI form is available online at: [http://www.elec.state.nj.us/pdf/files/forms/legal\\_resources/form\\_ril.pdf](http://www.elec.state.nj.us/pdf/files/forms/legal_resources/form_ril.pdf).

	<b>CONFIDENTIAL</b> <b>REQUEST FOR AN INVESTIGATION</b> <b>STATE OF NEW JERSEY</b> <b>NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION</b> <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>	<b>FORM RFI</b>
		<b>FOR STATE USE ONLY</b>
<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>		
<b>Person(s) Bringing Request: (Please Print or Type)</b>		
Name:	<input type="text"/>	Daytime Phone: ( <input type="text"/> ) <input type="text"/>
Address:	<input type="text"/>	Evening Phone: ( <input type="text"/> ) <input type="text"/>
Name:	<input type="text"/>	Daytime Phone: ( <input type="text"/> ) <input type="text"/>
Address:	<input type="text"/>	Evening Phone: ( <input type="text"/> ) <input type="text"/>
Name:	<input type="text"/>	Daytime Phone: ( <input type="text"/> ) <input type="text"/>
Address:	<input type="text"/>	Evening Phone: ( <input type="text"/> ) <input type="text"/>
<b>Individual/Entity that is the subject of this request for an investigation:</b> <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
<input type="text"/>	<input type="text"/>	Yes No
<input type="text"/>	<input type="text"/>	Yes No
<input type="text"/>	<input type="text"/>	Yes No
<input type="text"/>	<input type="text"/>	Yes No
<input type="text"/>	<input type="text"/>	Yes No
Election District/Municipality <input type="text"/>		County <input type="text"/>
Indicate which of the above entities files with ELEC		





## INFORMATION TECHNOLOGY DIVISION

### INFORMATION TECHNOLOGY SECTION (IT)

ELEC's overhaul of the agency's computer system started in 2015 with the replacement of its antiquated document management system. In July, DataMiner, the new system, went into production. The project was successfully completed on time and within budget.



*From left: Brian Robbins, Lou Solimeo, Kim Roman, Ken Colandrea, Anthony Giancarli, Elias Amaya, Aydan Altan, Peter Palaitis, and Maryanne Garcia.*

ELEC's IT staff devoted extensive time and effort to researching several alternatives. The work paid off. DataMiner, developed by Binary Tech Systems, has exceeded the agency's expectations. This state-of-the-art document management system is built on Microsoft's .NET technologies and .NET web services.

DataMiner will carry the agency's document management needs well into the future. The upgrade also will be a critical foundation as ELEC moves to mandatory electronic filing, which the agency is expected to implement within two years.

Work has also begun on the rewrite of ELEC's legacy business application, ELECTrack, to bring it up to industry standards. This hallmark database application is used by the agency to achieve its mandate to administer the "New Jersey Campaign Contributions and Expenditures Reporting Act." Created over 20 years ago, ELECTrack catalogues and maintains data related to candidates running for legislative, county, local, school board, and fire commissioner offices, as well as, political parties, legislative leadership committees, political action and independent expenditure committees.

One of the first modules to be upgraded in ELECTrack is the Public Financing module. This application assists the agency in administering the Gubernatorial Public Financing Program. This involves the distribution of public matching funds to qualified candidates for the office of Governor. Every contribution received during both the primary and general elections must be thoroughly examined and verified by ELEC staff assuring

compliance with numerous rules and regulations. The Public Financing Module tracks these submissions and filings of gubernatorial candidates applying for public matching funds.

## INFORMATION TECHNOLOGY DIVISION *continued*

In the last four decades, computing has evolved from centralized mainframes to personal computers connected by other computers known as servers. Computing is now on its way back to becoming centralized again. Today's servers are more efficient and cost effective because many are actually computer programs that act like physical servers. ELEC has capitalized on this new technology by installing a complete virtualized server environment.

This state-of-the-art system allows ELEC to store applications and systems on less hardware. A virtual machine is a container capable of installing and running an operating system. The virtualized environment provides just the right amount of CPU, memory, storage and network access the virtual machine needs. In this way, ELEC is able to substantially reduce the number of physical servers along with associated maintenance costs.

The focus during the second half of the year centered on ELEC's new website application that will allow Legislative Governmental Affairs Agents to file their quarterly reports online. There are approximately 950 agents who have a quarterly filing obligation detailing their lobbying activity. This system will not only make it easier to file their reports, but will allow the information to be stored into a searchable database. The public will be able to access information on quarterly lobbying activities in New Jersey for the very first time.

Another improvement completed this year was the migration of ELEC's email system to NJDeliverE. This state shared services program provides staff with Office 365 and access to a State Messaging System. ELEC's IT staff also upgraded the local area network backbone Cisco switch.

### DATA ENTRY SECTION

As usual, ELEC's data entry staff has been very busy this year. The staff works diligently to key in reports still filed via paper. Their work encompasses the entry of data for all 2015 races, along with data for the big six, Legislative Leadership, State, county, and municipal political party committees. One of the major goals of the agency is to provide timely and accurate information to the public.



*From left: Tamico Flack, Shirley Bryant, Brenda Brickhouse, and Pam Kinsey*

Data Entry also processed 1,297 Registration and PIN applications for candidates and others who file electronically. Anyone desiring to file an electronic report with ELEC must apply for a Registration and PIN number. Registration and PIN numbers are used as a substitute for hand-written signatures on electronically filed reports.



# HOMEPAGE

Log on to: Electronic filing, search for Campaign Financing and Lobbying Data; view Reports; view Contributors, access Complaints, Final Decisions, and Advisory Opinions; obtain Seminars and Training education; secure Publications and Forms; and, subscribe to ELEC News.

[njhome](#) | [Services a to z](#) | [department/agencies](#) | [faq](#)



## STATE OF NEW JERSEY NEW JERSEY CAMPAIGN FINANCING AND LOBBYING DISCLOSURE ELECTION LAW ENFORCEMENT COMMISSION



- [Home](#)
- [Public Information](#)
- [Candidates & Committees](#)
- [Lobbying](#)
- [Pay-to-Play](#)
- [Legal Resources](#)
- [About ELEC](#)

<a href="#">ELEC Online</a>
<a href="#">Electronic Filing</a>
<a href="#">View A Report</a>
<a href="#">Lobbyists Annual Reports</a>
<a href="#">Report Disclosure Dates</a>
<a href="#">Contribution Limits Chart</a>
<a href="#">Search the Database</a>
<a href="#">Gubernatorial Public Financing</a>
<a href="#">Subscribe to ELEC News</a>
<a href="#">Related Sites</a>
<a href="#">News Room</a>
<a href="#">ELEC-Tronic Newsletter</a>
<a href="#">Publications</a>
<a href="#">ELEC Statutory Authority</a>
<a href="#">Website Help</a>



Issue 82, April 2016



### Commission Meeting & Minutes

The New Jersey Election Law Enforcement Commission will have a meeting at 11:00 a.m. on Tuesday, April 19, 2016, at the Commission's office at 28 West State Street, 12<sup>th</sup> Floor, Trenton, New Jersey. [Read further>>](#)

### Public Session Minutes from:

- March 15, 2016 [Read further>>](#)

### News Releases

Increased spending on issues such as education, public worker pensions, transportation, and hospitals drove lobbying expenditures in New Jersey in 2015 to \$70 million, the second highest total ever, according to an analysis of annual lobbying reports released today by the New Jersey Election Law Enforcement Commission (ELEC). [Read further>](#)

The Annual Lobbying Reports filed with the New Jersey Election Law Enforcement Commission (ELEC) reflect the financial activities of represented entities, governmental affairs agents, and persons or groups communicating with the general public (grassroots lobbying). [Read further>>](#)

### 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

### 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.

### Lobbyist Training

The New Jersey Election Law Enforcement Commission is pleased to announce that it will be holding 4 training seminars on the new electronic lobbying forms. The seminars will provide instruction on how to complete and submit the forms in accordance with the new mandatory electronic filing requirements.

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

- April 5, 2016 at 10 a.m.

Please register for the seminar you would like to attend by going [here](#).

If you register and are unable to attend, need directions or immediate assistance concerning filing lobbying reports, please call (609) 292-8700 or toll free in New Jersey at 1-888-313-ELEC and ask to speak with a Compliance Officer

### Pay-to-Play

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

**Spotlight On**

Jeff Brindle Talks About Super PACs on [MY9NJ.com](#)

**White Paper #26**  
Legislative Elections 2013: Big Spending, Little Change Plus a History of Self-financing By Legislators and Others

[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



Statewide: [Privacy Notice](#) | [Legal Statement](#) | [Accessibility Statement](#)

©2016 State of New Jersey  
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)

[Contact Us](#) | [Site Map/Search](#) | [Employment Opportunities](#)

## FINANCE AND ADMINISTRATION DIVISION

### FINANCE AND ADMINISTRATION SECTION

During 2015, 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: Jelitza DeLeon, Elaine Salit, and Valencia Daly.  
Back Row: Judy Sheridan, Aracelis Brown, Christopher Mistichelli, Tamika McCoy, Christine Clevenger, 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 a voicemail 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. The Commission's fiscal year 2016 Direct State Services adjusted appropriation of \$4,345,000 is \$1.98 million dollars less than the fiscal year 2015 Direct State Services adjusted appropriation. This difference is due to a special onetime appropriation of \$2 million for technology upgrades that occurred in fiscal year 2015. Thus, the Finance and Administration Section staff continued to work to ensure the accurate budgeting and management of expenditures.

During 2015, the 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 2015 to comply with all State personnel rules and regulations.



**FINANCE AND ADMINISTRATION 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 2015 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 2015, 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 2017, the Commission anticipates an appropriation of \$4,510,000 based on the Governor’s Budget Message.

**COMPARISON OF FISCAL YEARS 2015 AND 2016 ORIGINAL DSS APPROPRIATIONS**

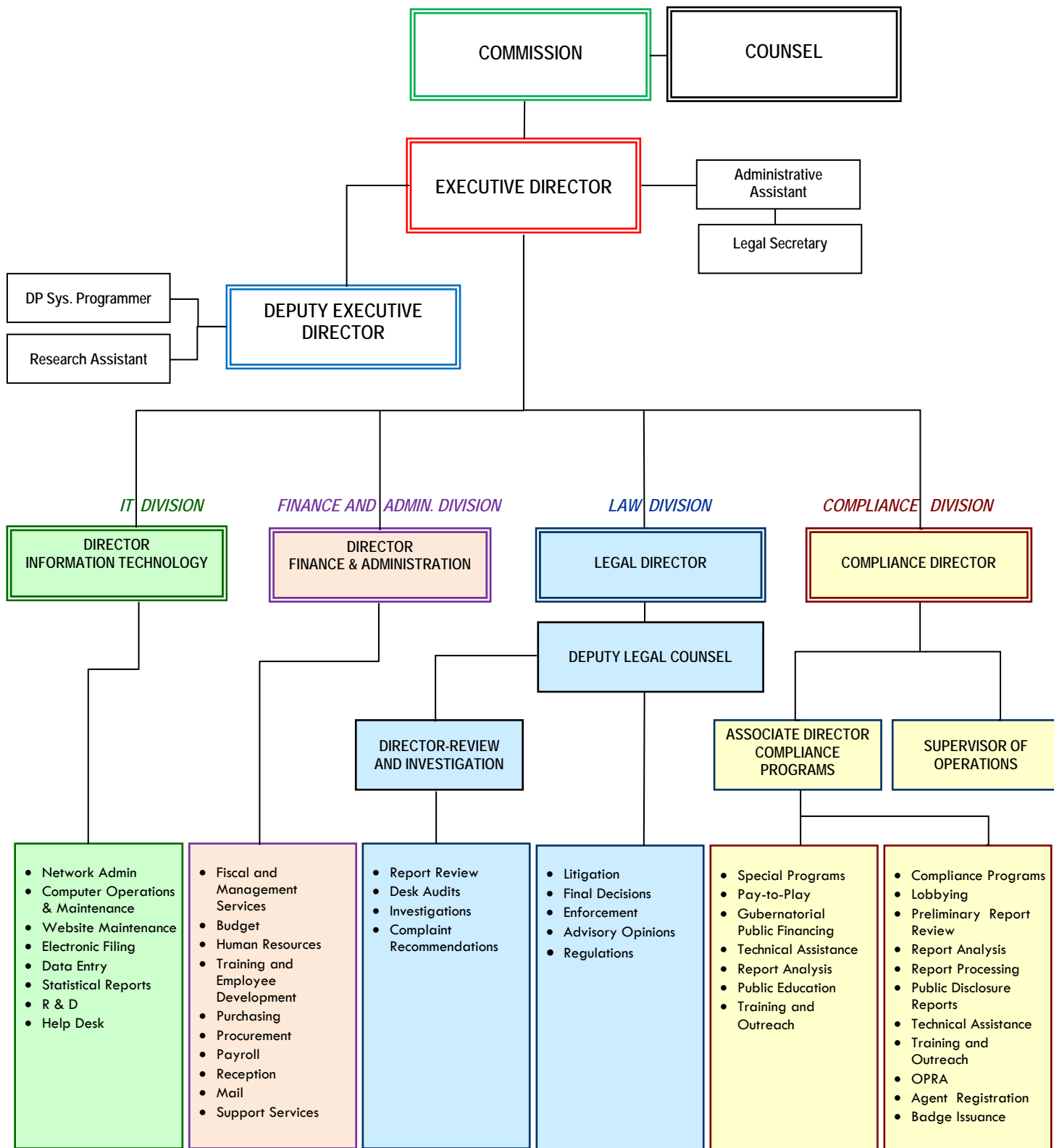
	<u>FY-2015</u> <u>Appropriation</u>	<u>FY-2016</u> <u>Appropriation</u>
Personnel	\$3,892,000	\$3,912,000
Printing & Supplies	45,000	45,000
Travel/Training	5,000	1,500
Telephone	48,000	48,000
Postage	27,000	29,000
Data Processing	225,000	225,000
Professional Services	40,000	37,000
Other Services	30,000	20,000
OIT	11,000	25,500
Maintenance for Equipment	2,000	2,000
Special Purpose:		
Technology Upgrades	2,000,000	0
Furniture/Equipment	0	0
<b>Total Operational</b>	<b>\$6,325,000</b>	<b>\$4,345,000</b>

**2015 EVALUATION DATA**

Disclosure Reports (Total).....	33,406
Campaign & Quarterly.....	25,041
Lobbyist .....	5,852
Pay-to-Play .....	2,442
Professional Campaign Fundraiser .....	71
Investigations.....	50
Complaints .....	157
Public Assistance Requests .....	9,530
Photocopies .....	6,211
Fine Collection.....	\$103,643
Lobbying Annual Fees .....	\$410,575
Campaign Fundraiser Annual Fees.....	\$20,000



# TABLE OF ORGANIZATION





## 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 4-11) - Deceased 11-2011  
Jerry Fitzgerald English, Commissioner  
(Retired 3-11)

### 2012-2015

Ronald DeFilippis, Chairman  
Walter F. Timpone, Vice Chairman  
Judge Amos C. Saunders, Commissioner  
(Deceased August 16, 2015)

### 2016

Ronald DeFilippis, Chairman  
Walter F. Timpone, Vice Chairman

### 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