



# ELEC *tronic*

An Election Law Enforcement Commission Newsletter

ISSUE 94 • APRIL 2017

## Comments from the Chairman

### Ronald DeFilippis

This past Thursday, 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](http://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 2016.

Last year, public contractors made \$8.3 million in contributions and received \$8.2 billion in contracts from public entities.

## “Furthering the Interest of an Informed Citizenry”

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### COMMISSIONERS:

Ronald DeFilippis, Chairman  
 Stephen M. Holden, Commissioner  
 Eric H. Jaso, Commissioner  
 Edwin R. Matthews, Legal Counsel

## Executive Director's Thoughts

### Jeff Brindle

## Of Gorsuch, the Supreme Court, and Campaign Finance

Reprinted from Observer.com

If U.S. Supreme Court nominee Neil Gorsuch is confirmed, rulings involving campaign finance law can be expected to follow the same course as when the late Justice Antonin Scalia served on the Court.

This means that the High Court is likely to strongly protect First Amendment free speech and assembly rights.

In the mold of Justice Scalia, Tenth Circuit Judge Gorsuch is described as an originalist, or as has been said, a constitutional "textualistic."

As Judge Gorsuch himself commented upon the death of Justice Scalia, a judge should "apply the law as it is . . . looking to text, structure and history . . . not to decide cases on their own moral convictions or the policy consequences they believe might serve society best."

In other words, a judge should apply the law as written not make law.

There is not much about Judge Gorsuch and his rulings involving campaign finance law. One such case, however, might provide a glimpse into his thinking.

Riddle v. Hickenlooper suggests that he, like Justice Scalia, will place

importance on First Amendment rights.

In Riddle, Judge Gorsuch agreed with the opinion that found different contribution limits for major and minor party candidates unconstitutional.

But rather than just citing the equal protection clause, the judge added "the act of contributing to political campaigns implicates a 'basic constitutional freedom,' one lying 'at the foundation of a free society,' and enjoying a significant relationship to the right to speak and associate—both expressly protected First Amendment activities."

This has reformers alarmed. In his article, Trump Denounced "Broken System" of Big Money Politics. Neil Gorsuch Could Make It Worse, Jon Schwarz fears that "Neil Gorsuch . . . would take the broken campaign finance system and, rather than fixing it, potentially smash it with a sledgehammer."

Schwarz further writes "his record suggests he could quite possibly vote for the final removal of all limits for everyone."

While Judge Gorsuch's mention of "right to associate" in the Riddle case suggests that he could vote to end the ban on soft money to national parties in Louisiana Republican Party, et al. v. F.E.C., there is no evidence that he would decide to eviscerate contribution limits altogether. This is mere speculation.

In fact, strengthening political parties by eliminating soft money, or at least raising contribution limits applicable to them, and questioning the

constitutionality of the Federal Election Campaign Act (FECA) provisions that regulate federal campaign finance activity by state and local parties would be a good thing.

With the scourge of dark money groups scarring the electoral landscape, the resurgence of accountable, regulated political parties would be of benefit to the public.

In Buckley v. Valeo, the seminal decision of 1976 that has provided guidance on campaign finance law, the U.S. Supreme Court acknowledged a real or potential connection between corruption and political contributions.

Since that time, succeeding courts have done the same, including the current Robert's court in Citizens United, which, though permitting corporations and unions to spend independently, did retain the ban on direct contributions to candidates by corporations and unions.

One of the hopes of reform minded groups and individuals is for Citizens United to be overturned. Though overlooking the unintended consequences of McCain/Feingold in 2002, which was the initial spark plug for the growth of independent expenditures, reformers are looking to Citizens United to be rescinded.

Yet, as was noted in an earlier column, overturning Citizens United is not likely to happen. Even if Judge Gorsuch is for some reason denied confirmation, President Trump would simply nominate another of the same philosophical ilk, leaving the only avenue for eliminating Citizens United being an amendment to the

Constitution. In addition, there are others on the High Court that may well vacate their seats and be replaced during a Trump administration, ensuring the longevity of Citizens United.

Often overlooked in Citizens United is its strong support for disclosure, which was subsequently reinforced in Speech Now 2010 and Carey 2011.

Therefore, rather than focusing on Citizens United or Judge Gorsuch, those who desire strong campaign finance laws and a transparent electoral system, should step back, breathe deeply, and approach the issue pragmatically. Citizens United, whether liked or not, is a fait accompli.

Federally, attempts to convince Congress to pass legislation that would require registration and disclosure of contributions and expenditures by Super PACs and 501c groups should be made.

Simultaneously, effort should be put forth to offset independent groups and their party networks, and instead strengthen core political parties which serve as the real people’s link to government.

And for those truly worried that a “sledgehammer” will be taken toward eliminating contribution limits, sound legal strategies should be pursued to protect and preserve donor limits applicable to candidates.

As is the case in New Jersey, where the Election Law Enforcement Commission has been calling for a stronger political party system and registration and disclosure by independent groups, similar efforts

should be made in the states that have not already done so.

By not panicking over a Supreme Court nominee and by developing commonsense approaches to campaign finance law, a rational scheme can surely be established, one that will redound to the benefit of the public good.

## GUBERNATORIAL CANDIDATES MUST DO THEIR FAIR SHARE TO OBTAIN PUBLIC FUNDS

Starting in 1977, New Jersey was the first state in America to offer public funds to gubernatorial candidates who agreed to limit their overall campaign spending. The public grants are adjusted upward every four years to offset inflation.

The public does not foot the whole bill. To obtain the full public grants, candidates also must raise substantial sums from private contributors.

To even qualify for public funds, a candidate must raise at least \$430,000 during each election.

The law makes the first \$138,000 raised privately by the candidate ineligible for a public match.

Above this threshold, candidates can obtain two dollars in public funds for every one dollar they raise from private sources.

So, in the primary election, a candidate would have to raise \$138,000 plus \$2 million (\$4 million maximum public funds divided by 2), or \$2,138,000 to qualify for the full grant.

In the general election, a candidate would have to raise \$138,000 plus \$4.65 million (\$9.3 million maximum public funds divided by 2), or \$4.788 million to reach the max.

For more information on the Gubernatorial Public Financing Program, go to:

Amount of Private Fundraising Needed to Obtain Maximum Public Funds			
	2017 Primary	2017 General	Both Elections
Maximum Public Funds Available to Gubernatorial Candidates.	\$4,000,000	\$9,300,000	\$13,300,000
Private Fundraising Ineligible for Matching Funds.	\$ 138,000	\$ 138,000	\$ 276,000
Private Fundraising Needed to Obtain Maximum PF at 2:1	\$2,000,000	\$4,650,000	\$ 6,650,000
Total Private Fundraising Needed to Obtain Maximum PF.	\$2,138,000	\$4,788,000	\$ 6,926,000

In 2017, candidates are eligible for up to \$4 million in public funds for the primary campaign, and up to \$9.3 million for the general election.

[http://www.elec.state.nj.us/publicinformation/gub\\_man.htm](http://www.elec.state.nj.us/publicinformation/gub_man.htm).

## ERIC JASO AND STEPHEN HOLDEN NOW ELEC COMMISSIONERS

The state Senate on March 13, 2017 unanimously confirmed the nominations of Eric Jaso of Morristown and Stephen Holden of Merchantville to the New Jersey Election Law Enforcement Commission (ELEC).

The two men were appointed by Governor Chris Christie and represent the first new members on the Commission since 2011. They fill vacancies that have prevented ELEC from meeting since March 2016. Ronald DeFilippis, whom the Governor appointed as Chairman in 2010, will remain in that capacity.

ELEC has been unable to meet because DeFilippis was its lone member following the Governor's appointment and Senate confirmation of former ELEC Vice Chairman Walter Timpone to the New Jersey Supreme Court. Timpone was sworn in on May 2, 2016- the same day he resigned from ELEC. Prior to Timpone's departure, vacancies were caused by the deaths of members Amos Saunders (2015) and Lawrence Weiss (2011).

Jaso, a Republican attorney and former federal prosecutor, was nominated to ELEC on September 8, 2016. Holden, a Democratic attorney and a retired Superior Court Judge, was nominated December 12, 2016.

Governor Christie on February 27, 2017 also nominated former Superior

Court Judge Marguerite Simon of Edgewater to fill the Commission's fourth and final vacancy. Her Senate confirmation remains pending.

Jaso is a former Assistant U.S. Attorney who is a partner at the law firm of Spiro Harrison of Short Hills. He has participated in several complex litigation cases, including civil and criminal cases, primarily in the Federal courts.

Jaso also serves as a public member on the New Jersey Urban Enterprise Zone Authority.

In 2011, he was chosen by Republicans to serve on the Commission that redrew the boundaries of New Jersey's U.S. House Districts.

From 2003 to 2008, Jaso served as an Assistant U.S. Attorney in the U.S. Attorney's Office in New Jersey. Prior to that, he served as counselor to the Assistant Attorney General of the Criminal Division at the U.S. Department of Justice in Washington, D.C.

Previous government appointments included serving as Deputy General Counsel at the U.S. Department of Education, working as Deputy Special Counsel to the New Jersey Senate Judiciary Committee investigating racial profiling, and serving under prosecutor Kenneth Starr as Associate Independent Counsel during the "Whitewater" investigation of former President Bill Clinton.

Jaso, who has taught appellate advocacy as an Adjunct Professor at Seton Hall Law School, earned his law

degree at the University of Chicago. He received his bachelor's degree in Government with honors from Harvard.

"As this Legislature intended, ELEC plays an essential role in assuring transparency, integrity and accountability in our state and local political campaigns," Jaso told Judiciary Committee members during his confirmation hearing.

Holden is Deputy General Counsel of the Delaware River Port Authority. He retired as a Superior Court Judge upon reaching mandatory retirement age of 70 in 2013 though he later performed temporary service as a recall judge.

Between 1987 and 2003, he served as Counsel to the state Senate as well as Senate Parliamentarian.

During an earlier career as an educator, he was a teacher in the Philadelphia school system, an assistant professor at Glassboro State College (now Rowan University), and dean and assistant professor at Bryn Mawr College.

Holden earned his law degree at Rutgers University School of Law. He obtained Ph.D and M.S.S. degrees at Bryn Mawr College, and a B.S. degree with honors at Temple University.

"I think the greatest opportunity we have as thinking people and citizens in our country is for public service, and I hope to be able to continue that role by becoming a commissioner of ELEC," he said during his confirmation hearing.

## Debate Sponsors

The New Jersey Election Law Enforcement Commission (ELEC) selected NJTV Public Media of NJ/ NJ Spotlight, and the William J. Hughes Center for Public Policy at Stockton University, as the 2017 gubernatorial primary election debate sponsors. Dates and times will be announced soon. The debates must occur between April 13 and May 23. The primary election is June 6.

Each sponsor is expected to host two debates- one for Democratic candidates and one for Republican candidates. NJTV/Spotlight will hold its debates in the Agnes Baris Studio in Newark. Stockton’s debates will be held in its Campus Center Theater in Galloway Township.

All candidates who accept public funds under the state’s Gubernatorial Public Financing Program must participate in two candidate debates for each election. Candidates for the office of Lieutenant Governor must take part in one debate during the General Election.

## Training Seminars

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ. Since space is limited, you must reserve a seat in order to attend. Please visit ELEC’s website at <http://www.elec.state.nj.us> for more information on training seminar registration.

<b>TREASURER TRAINING FOR CANDIDATES AND COMMITTEES</b>	
Tuesday, April 4 <sup>th</sup>	10:00 a.m.
Wednesday, September 13 <sup>th</sup>	10:00 a.m.
Tuesday, October 3 <sup>rd</sup>	10:00 a.m.
<b>TREASURER TRAINING FOR POLITICAL COMMITTEES AND PACS</b>	
Wednesday, June 21 <sup>st</sup>	10:00 a.m.
Tuesday, September 26 <sup>th</sup>	10:00 a.m.
Tuesday, December 12 <sup>th</sup>	10:00 a.m.
<b>R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING</b>	
Thursday, April 6 <sup>th</sup>	10:00 a.m.
Wednesday, July 26 <sup>th</sup>	10:00 a.m.
Tuesday, September 19 <sup>th</sup>	10:00 a.m.
Wednesday, October 4 <sup>th</sup>	10:00 a.m.

## Lobbying Reporting Dates

	<b>INCLUSION DATES</b>	<b>ELEC DUE DATE</b>
<b>Lobbying Quarterly Filing</b>		
1 <sup>st</sup> Quarter	1/1/17 – 3/31/17	4/10/17
2 <sup>nd</sup> Quarter	4/1/17 – 6/30/17	7/10/17
3 <sup>rd</sup> Quarter	7/1/17 – 9/30/17	10/10/17
4 <sup>th</sup> Quarter	10/1/17 – 12/31/17	1/10/18

## Reporting Dates

ELECTION	48-HOUR START DATE	INCLUSION DATES	REPORT DUE DATE
<b>FIRE COMMISSIONER -2/18/2017</b>	2/5/2017- through 2/18/2017		
29-day Preelection Reporting Date		Inception of campaign* - 1/17/17	1/20/2017
11-day Preelection Reporting Date		1/18/17 - 2/4/17	2/7/2017
20-day Postelection Reporting Date		2/5/17 - 3/7/17	3/10/2017
<b>APRIL SCHOOL BOARD- 4/25/2017</b>	4/12/2017 through 4/25/2017		
29-day Preelection Reporting Date		Inception of campaign* - 3/24/17	3/27/2017
11-day Preelection Reporting Date		3/25/17 - 4/11/17	4/17/2017
20-day Postelection Reporting Date		4/12/17 - 5/12/17	5/15/2017
<b>MAY MUNICIPAL – 5/9/2017</b>	4/26/2017 through 5/9/2017		
29-day Preelection Reporting Date		Inception of campaign* - 4/7/17	4/10/2017
11-day Preelection Reporting Date		4/8/17 - 4/25/17	4/28/2017
20-day Postelection Reporting Date		4/26/17 - 5/26/17	5/30/2017
<b>RUNOFF (JUNE)**- 6/13/2017</b>	5/31/2017 through 6/13/2017		
29-day Preelection Reporting Date		No Report Required for this Period	
11-day Preelection Reporting Date		4/26/17 - 5/30/17	6/2/2017
20-day Postelection Reporting Date		5/31/17 - 6/30/17	7/3/2017
<b>PRIMARY (90 DAY START DATE: 3/8/2017)***</b>	5/24/2017 through 6/6/2017		
29-day Preelection Reporting Date		Inception of campaign* - 5/5/17	5/8/2017
11-day Preelection Reporting Date		5/6/17 - 5/23/17	5/26/2017
20-day Postelection Reporting Date		5/24/17 - 6/23/17	6/26/2017
<b>GENERAL (90 DAY START DATE: 8/9/2017)***</b>	10/25/2017 through 11/7/2017		
29-day Preelection Reporting Date		6/24/17 - 10/6/17	10/10/2017
11-day Preelection Reporting Date		10/7/17 - 10/24/17	10/27/2017
20-day Postelection Reporting Date		10/25/17 - 11/24/17	11/27/2017
<b>RUNOFF (DECEMBER)**- 12/5/2017</b>	11/22/2017 through 12/5/2017		
29-day Preelection Reporting Date		No Report Required for this Period	
11-day Preelection Reporting Date		10/25/17 - 11/21/17	11/24/2017
20-day Postelection Reporting Date		11/22/17 - 12/22/17	12/26/2017
<b>PACs, PCFRs &amp; CAMPAIGN QUARTERLY FILERS</b>			
1st Quarter		1/1/17 - 3/31/17	4/17/2017
2nd Quarter		4/1/17 - 6/30/17	7/17/2017
3rd Quarter		7/1/17 - 9/30/17	10/16/2017
4th Quarter		10/1/17 - 12/31/17	1/16/2018

\* Inception Date of Campaign (first time filers) or from January 1, 2017 (Quarterly filers).

\*\* A candidate committee or joint candidates committee that is filing in a 2017 Runoff election is not required to file a 20-day postelection report for the corresponding prior election (May Municipal or General).

\*\*\* Form PFD-1 is due on April 13, 2017 for Primary Election Candidates and June 16, 2017 for Independent General Election Candidates.

Note: A fourth quarter 2016 filing is needed for Primary 2017 candidates if they started their campaign prior to December 8, 2016. A second quarter 2017 filing is needed by Independent/Non-Partisan General Election candidates if they started their campaign prior to May 10, 2017.

## HOW TO CONTACT ELEC

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

In Person: 28 W. State Street, Trenton, NJ  
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 By Telephone: (609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

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