



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

THOMAS H. PROL
Chairman

RYAN PETERS
Commissioner

NORMA R. EVANS
Commissioner

JON-HENRY BARR
Commissioner

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Legal Counsel

PUBLIC SESSION MINUTES

July 25, 2023

Chairman Thomas H. Prol, Commissioner Ryan Peters, Commissioner Norma R. Evans, Commissioner Jon-Henry Barr, Executive Director Jeffrey Brindle, Deputy Director Joseph Donohue, Deputy Legal Director Amanda Haines, Compliance Director Stephanie Olivo, Review and Investigation Director Shreve Marshall, Legal Administrator of Review and Investigation Theresa Lelinski, and Information Technology (IT) Director Anthony Giancarli were present. IT Specialist Elias Amaya participated via GoToWebinar. Legal Counsel Matthews was absent.

A court reporter was available to record the proceedings.

The Public Session Minutes will be available online on the Commission's website at: <http://www.elec.state.nj.us>.

Chairman Prol convened the meeting at 11:00 a.m. in Trenton and explained meeting procedures.

1. Open Public Meetings Statement

Chairman Prol called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps. It was also posted on the Commission's website.

Pledge of Allegiance.

2. Chairman's Public Statement

Good morning. As I gavel this meeting to order, I'm pleased to report that the New Jersey Election Law Enforcement Commission is back at work protecting and enhancing the vitality and fairness of New Jersey elections.

While the law has changed, the commissioners have changed and some processes will necessarily change, what has not changed is the Commission's mission of our collective commitment to the fair, honest and transparent administration of New Jersey elections while respecting the dignity and rights of all New Jerseyans.

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I am proud to Chair a mission made of this impressive and distinguished attorney leaders with me here today. We are fully balanced by party with impressive and diverse experience that fits squarely within the important work of ELEC. I commend the Governor's office for the obvious effort they put into these selections.

First, Jon-Henry, "JH" Barr has been Clark municipal prosecutor for more than 22 years, and is a former New Jersey municipal prosecutor's association's president. He became Clark councilman in 1993 at the age of 23 and was the president of the Union County Bar Association, coincidentally the same year I was State bar president. His peers elevated him as their leader, and he was and remains a vigorous advocate for the rule of law. As he noticed, as he accepted his appointment, "my life's work has been a commitment to justice. I can think of no better way to serve the people of New Jersey than with the enforcement of our election laws." I cannot agree more. Welcome, Commissioner Barr.

Norma R. Evans spent nearly 19 years as a Deputy Attorney General before retiring in 2017. She served as the president of the Association of Black Women Lawyers of New Jersey and is, as was noted in the Governor's release, the first black woman to serve as an ELEC Commissioner, an astounding fact for this institution, especially with ongoing concerns about racial justice and minority voter suppression, including the history of that in this State. In addition to specifically counselling election boards, Ms. Evans was a distinguished professor of complex financial crimes, a true expert in financial analysis. She is truly a get as it relates to the work of the Commission. One of my favorite facts about Commissioner Evans is that she, like me, is an expert in parliamentary procedure. On accepting this position, she spoke of her commitment to diligently maintaining the integrity of campaign finances and election matters, as well as providing transparency to the citizens of the State of New Jersey. Welcome, Commissioner Evans.

Speaking of financial expertise, Ryan Peters is a former Burlington County Freeholder, an Assemblyman who is a graduate of the U.S. Naval Academy, Rutgers Law School and the Johnson College of Business at Cornell University. Besides his impressive background and dedicated service as a certified Navy Seal, with three combat deployments to Iraq and Afghanistan, he is currently a Navy captain assigned to Seals Team Eighteen. His impressive legal career includes being a certified fraud examiner and a certified anti-money laundering specialist status with experience in anti-money laundering compliance and internal investigation. His personal service at Good Will Industries of Southern New Jersey, Philadelphia Habitat for Humanity of Burlington and Mercer County speaks volumes about his character. Welcome, Commissioner Peters, and thank you for your service.

You probably read about my experience.

I have previously served as a State bar president. I currently sit on the board of the American Bar Association and their house of delegates. My background includes representation of numerous municipalities at various levels, and I will tell you candidly, my desire to become a lawyer was peaked in my time as a Peace Corps volunteer in the Kingdom of Nepal where I became concerned in the '90s over concerns about LGBT rights, issues that were happening in the United States. On my way back from Peace Corps service, I stopped in Bangkok, took my LSAT and the rest, as they say, is history. I worked for the EPA doing enforcement work with U.S. environmental laws. I interned with the U.S. Attorney's Office in Brooklyn, and I helped start an organization, Garden State Equality. We have important work ahead of us and we are looking forward to rolling up our sleeves and working with, I believe the 58 employees of ELEC in fulfilling the important mission consistent with the new law and our constitutional mandate. In many ways, we have a blank slate, and we will wright, on that guided by

the Constitution, both U.S. and New Jersey, our legislative mandate and the Commission's mission. Above all else, we will be transparent and fair and respect the dignity of all.

I was surprised at a prior meeting that some of the treatment the public received when they were given notice, signed up to speak and were turned away from speaking. That will not happen again, and you have your collective pledge that we will operate with fairness and transparent policies, consistent with law. We will respect the dignity of everyone who comes before us. As I said on accepting the

Governor's appointment, "the integrity of elections is a vital and sacrosanct component of a free and fair democracy." Our representative government requires adherence to the rule of law and due process, and I will look forward to implementing the Commission's mandate with the guidance of those bedrock democratic principles.

3. Executive Director's Report

The Executive Director presented the Executive Director's Report. He summarized recent analytical press releases involving first quarter financial activity for the Big Six committees, county party committees, and legislative candidates. The Executive Director noted that the fiscal year 2024 budget represents a five percent increase over the previous year. The fiscal year 2024 budget amounts to \$5.753 million, an increase of \$286,000. The increase represents salary program funds. He said that the fiscal year 2024 budget is a continuation budget.

Future Meetings Schedule

Commission meetings are held on the third Tuesday of every month.

- August 15 at 11:00 a.m. in Trenton (if needed);
- September 19 at 11:00 a.m. in Trenton; and,
- October 17 at 11:00 a.m. in Trenton.

The Commission, noting that there was no pressing issues, decided to not hold the August meeting and reconvene on September 19th at 11:00 a.m.

Executive Director Brindle informed the Commission that Compliance Director Stephanie Olivo has been invited to address the New Jersey Bar Association on Elections Transparency Act.

4. Public Comments

No members of the public.

5. Chairman Prol Read Resolution Authorizing an Executive Session

Whereas, there exists a need to hold an Executive Session for the purpose of discussing the following matter/matters, which fall within the exceptions to the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq. to wit.

Matter/Matters (OPMA Exception)

- Selection of Legal Counsel;
- Regulations;
- Statute of Limitations;
- 48-Hour Notice Complaints; and,
- Update on Litigation.

Whereas, it is unknown at this time when such discussion to take place in Executive Session may be disclosed to the public.

Now Therefore Be It Resolved by the Election Law Enforcement Commission as follows:

1. This Executive Session Meeting of the Election Law Enforcement Commission shall be closed to the public for discussion of the aforesaid referenced matters.
2. The matters discussed during this Executive Session Meeting shall be disclosed to the public at such time when reason for discussing and acting on same in Executive Session shall no longer exist.

On a motion by Commissioner Peters, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission resolved to enter Executive Session to discuss anticipated litigation and current litigation, which will become public as follows:

- A. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.
- B. Personnel matters concerning the hiring of outside legal counsel, which will become public upon appointment of such counsel.

Executive Director Brindle indicated that pursuant to Department of the Treasury, Division of Purchase and Property Circular Letter No. 22-09-DPP, nine attorneys were contacted to invite them to submit bids for the Outside Legal Counsel to the Commission. The Commission received one bid from Edwin R. Matthews of Bourne, Noll & Kenyon. Mr. Matthews submitted a bid for \$225.00 per hour for legal services for fiscal year 2024. The contract amount cannot exceed \$200,000.

Return to Public Session

Chairman Prol stated that the following items were discussed in Executive Session:

- Selection of Legal Counsel;
- Regulations;
- Statute of Limitations;
- 48-Hour Notice Complaints; and,
- Update on Litigation.

6. Open Public Comments

On a motion by Commissioner Barr, seconded by Commissioner Evans and passed by a vote of 4-0, the Commission opened public meetings' comments.

- Ronal Gravino, Treasurer for Republican Candidates

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission resolved to close public comments.

7. Fiscal Year 2024 – Legal Counsel Contract

On a motion by Commissioner Peters, seconded by Commissioner Evans and passed by a vote of 4-0, the Commission approved a bid received from Edwin R. Matthews of Bourne Noll & Kenyon and selected him as Legal Counsel.

8. Statute of Limitations

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to dismiss 107 complaints.

9. 48-Hour Notice for Complaints

On a motion by Commissioner Peters, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission approved the issuing of sixteen, 48-hour notice for complaints.

10. Commissioners' Comments

Commissioner Barr. I want to make a very brief statement that I'm truly honored to start my service on this Commission. I want to thank Mr. Brindle and the entire staff with whom I've interacted with. The on-boarding process if you will, has been very hospitable, very welcoming. I'm very grateful for that. I have always approached my service as a municipal prosecutor for many years as one that emphasizes the compliance over punishment. I routinely, every week, run into people whose licenses are suspended, whose registrations are not valid and they need to get their act together, and a little twist of the arm and a little guidance is what works, and I think from my perspective, that has not only made the public feel at ease, but it's given reassurance that, yes, the government is interested in helping you, not hurting you, and that's the message that I approach my job with in the past and I hope I can try to do that as a commissioner here. I want to thank the Chairman for his kind remarks about myself and the other commissioners with respect to our backgrounds. I thank everyone again. I'm really honored to be

in the company of my fellow commissioners. Their resumes are truly outstanding. I'm almost intimidated by the people I'm sitting up here with as commissioners. But I hope I can do the best job I can, and I look forward to this time. Thank you.

Commissioner Evans. Thank you all for getting us up to speed to this point. Everyone has been very gracious. I'm thrilled to meet my fellow commissioners in person, finally, and thank you for those wonderful comments as well and just putting this historical appointment in the proper perspective. I really appreciate that. So, thank you to everyone.

Commissioner Peters. Just to echo the comments of my fellow commissioners and looking forward to getting started. Thank you, everybody.

11. Adjournment

On a motion by Commissioner Peters, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission resolved to adjourn the meeting.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz