

NJ campaign finance agency back in business after year in limbo

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Election Law Enforcement Commission meets. (Michael Symons/Townsquare Media NJ)

The state Election Law Enforcement Commission met Tuesday – and that’s the news, actually.

To be sure, ELEC also voted to choose sponsors for the gubernatorial debates that will be held before the June primary. And it met in executive session to consider proposing fines for candidates’ disclosure violations.

But given that the campaign-finance regulatory commission hadn’t even met for a year, cancelling 11 consecutive meetings as its four-member governing body dwindled to one person, the most noteworthy thing about the meeting was

that the meeting happened at all.

“It’s great to be back in business. It really is. It’s not that we ever went of business. I mean, we really carried on,” said executive director Jeff Brindle, who said agency staffers kept working even though ELEC couldn’t vote on things. “... But it’s really good to have the commission back.”

ELEC is supposed to have four commissioners but had been relegated to just one, as Christie and Democrats who run the Senate and must confirm nominations disagreed on the appointments.

Two were finally confirmed two weeks ago; the last, retired judge Marguerite Simon, is still awaiting Senate approval but observed Tuesday’s meeting from the audience.

The meeting opened with the approval of the minutes from the last ELEC meeting – held March 15, 2016, which is “hard even to say,” said chairman Ronald DeFilippis. They were approved by a 1-0 vote.

Ingrid Reed, who is retired from directing the New Jersey Project at Rutgers University’s Eagleton Institute of Politics, said she was delighted to see ELEC able to conduct a meeting. She said ELEC was effectively “neutered” by not having a quorum.

“If you only had one member left, you couldn’t really do the final piece of the public’s business. You collect the information, but then we collect it because we want to hold people responsible. And they really couldn’t do that,” Reed said.

“Let’s just say any case held fire. They couldn’t do the final, official business that we require of the Election Law Enforcement Commission, and that is enforcement,” Reed said. “So it’s not any one case. It’s a whole lot of cases.”

ELEC was still bringing complaints, and some candidates paid fines to settle them even though ELEC’s board wasn’t finalizing them.

But the idling of ELEC had a significant impact on one of the agency’s biggest cases, in which it filed a complaint alleging Essex County Executive Joseph DiVincenzo had improperly spent campaign funds on personal expenses, such as airfare, hotels, tickets to sporting events and parking tickets.



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Because ELEC didn't have the votes needed, it was forced to drop the case. Last year, it asked an appellate court panel to allow it to revive the case, once its quorum was restored. There hasn't yet been a ruling.

"We're at the mercy of the court right now," Brindle said.

Brindle thanked ELEC's staff and DeFillipis, the board chairman, for continuing their work while the commission itself was idle. He said the agency itself has been busy, hiring five additional attorneys and three investigators and preparing an upgrade of its computer system and website.

"We continued to put out analytical reports, looking at trends in campaign finance and lobbying and so on and so forth," Brindle said. "Our lawyers and investigators continued to do the work, coming in on weekends even sometimes to deal with some important cases. So the work really went on. We didn't really stop."

ELEC voted to choose sponsors for the official gubernatorial primary debates: NJTV Public Media, in cooperation with NJ Spotlight, and Stockton University's William J. Hughes Center for Public Policy. A third applicant, Ocean County College, withdrew its request.

Stockton plans to hold its events at its theater in Galloway and broadcast the forum via Facebook Live. NJTV plans to host its debates in primetime at its studio in Gateway Center in Newark, with the audience watching from the hallway through a long series of glass windows.

ELEC commissioner Eric Jaso said he's walked by the studio and seen people looking in the windows observing broadcasts. "I don't mean to be flippant, but there's a certain zoo-like quality to it," he said.

Each sponsor is expected to hold two debates – one for the Democrats and one for the Republicans. Dates are to be determined; they must be between April 13 and May 23. The debates are expected to last an hour, though NJTV said it would have a longer forum if there are enough qualified candidates.

The candidates are also to be determined. Candidates who receive enough contributions from private donors to qualify for \$2-for-\$1 matching funds, \$430,000, are required to participate. Candidates who can illustrate they're spending that much are also invited, even if they're not taking public financing.

Democratic candidate Phil Murphy, who leads in early polls, isn't accepting public funds, which allows him to spend beyond caps imposed on other candidates. The former Goldman Sachs executive loaned his campaign \$10 million, as of the end of December.

"Phil Murphy is looking forward to debates that discuss how we grow our middle class and create opportunity," said campaign spokesman Derek Roseman. "Our campaign will work with the sponsors to make sure the debates are inclusive and represent the diversity of our state and the Democratic Party."

So far, two candidates have received matching funds: Lt. Gov. Kim Guadagno, a Republican, and former U.S. Treasury undersecretary Jim Johnson, a Democrat.

Two other candidates say they've raised enough to meet the matching-funds threshold – Assemblyman Jack Ciattarelli, a Republican, and Assemblyman John Wisniewski, a Democrat.

The deadline to qualify for matching funds is next week. "We do anticipate getting a couple," said ELEC compliance director Stephanie Olivo.

In all, 14 candidates have filed paperwork with ELEC to run in the primary – nine Democrats and five Republicans. Olivo estimated three or four Democrats and two or three Republicans would take part in the official debates.

Monday is the deadline for candidates to file nominating petitions to run in the June 6 primary.