



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

RALPH V. MARTIN  
Chair

PAULA A. FRANZESE  
Vice Chair

LYNNAN B. WARE  
Commissioner

SUSAN S. LEDERMAN, Ph.D.  
Commissioner

Respond to:  
P.O. Box 185  
Trenton, New Jersey 08625-0185

(609) 292-8700

Web site: <http://www.elec.state.nj.us/>

FREDERICK M. HERRMANN, Ph.D.  
Executive Director

JEFFREY M. BRINDLE  
Deputy Director

GREGORY E. NAGY  
Legal Director

JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

December 19, 2001

Commissioner Ware, Commissioner Lederman, Counsel Wyse, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present. Chair Martin participated by telephone. Vice Chair Franzese was absent.

#### 1. Open Public Meetings Statement

Commissioner Ware 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.

The meeting convened at 11:00 a.m. in Trenton, New Jersey.

#### 2. Approval of Public Session Minutes November 15, 2001

On a motion by Commissioner Lederman, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission approved the Public Session Minutes of November 15, 2001.

#### 3. Executive Director's Report

##### A. Computerization

Executive Director Herrmann reported that electronic filing is off to a fine start. According to the Executive Director, both gubernatorial candidates filed electronically for the election as did 7 percent of the legislative candidates. He said that it is a good base to build on for the future. Executive Director Herrmann added that ELEC's web site has been successful beyond imagination. He predicted that by the end of the year, there will be over 100,000 hits on the site.

B. Budget

The Executive Director announced that last month he reported that the Commission lost \$180,000 from its equipment account and \$8,000 from its travel account. Executive Director Herrmann said that since then ELEC has lost the rest of its equipment account (another \$180,000) and the rest of its travel account (another \$4,000).

Executive Director Herrmann noted that in addition \$2,000 was removed from the Public Financing Program and another 5 percent was taken from the overall operating budget. The Executive Director stated that in total, the Commission has had its budget reduced by \$560,000, or by 15 percent. Executive Director Herrmann said that if there are no more cuts, ELEC should be able to limp through the rest of the fiscal year without any serious reductions in service. He said, however, that staff is concerned about any additional cuts this year, continued cuts next year, and new legislative mandates.

C. Legislation

Executive Director Herrmann reported that he appeared before the Senate State Government Committee on November 29, 2001 to testify favorably on two bills: S-402 (Lynch), which doubles all of ELEC's maximum statutory penalties and S-2257 (Inverso), which reduces the contribution limits for the big six committees from \$37,000 to \$25,000 and institutes a \$7,200 contribution limit for individuals, corporations, and unions giving to PACs. Executive Director Herrmann informed the Commission that the first bill was released unanimously and the second by a vote of 3-0.

Executive Director Herrmann stated that Deputy Director Brindle appeared before the Assembly State Government Committee on December 6, 2001, to testify favorably on A-4013 (Gregg), which reduces the contribution limit to legislative leadership committees from \$37,000 to \$20,000; institutes a \$20,000 contribution limit for individuals, corporations, and union giving to PACs; and, permits co-generation facilities and certain retail sellers to make campaign contributions. He added that he appeared before the Senate State Government Committee on December 13, 2001, to testify favorably on S-2578 (Bark), which establishes a uniform personal financial disclosure form for gubernatorial and legislative candidates, members of the Legislature, local officers, and school officials. According to Executive Director Herrmann, his testimony mentioned that four agencies in two different branches of government administering one law was a unique situation that ELEC would do its best to effectuate. The Executive Director reported that the bill passed 3-0. Executive Director Herrmann added that an identical bill A-1220 (Malone/Cottrell) passed the Assembly State Government Committee on December 6, 2001. Executive Director Herrmann said that this legislation passed both houses on December 17, 2001.

D. COGEL Conference

Executive Director Herrmann noted that Legal Director Gregory E. Nagy, Deputy Legal Director Nedda Gold Massar, Director of Systems Administration Carol Neiman, and he attended the annual Council on Governmental Ethics Laws (COGEL) conference at Lexington, Kentucky from December 2 through December 5, 2001. He said that they went to and participated in many valuable sessions including:

- The campaign financing law update,
- The lobbying law update,
- A clean money legislation review,
- An electronic filing workshop,
- An issue advocacy discussion, and
- A high technology investigations panel.

According to Executive Director Herrmann, of special interest was a session on the New York City Campaign Finance Board's experience after 911. He said that many excellent ideas, which will be incorporated in ELEC planning, were shared about how to deal with disaster recovery. Executive Director Herrmann reported that future COGEL meetings will be held in:

- Ottawa (2002),
- Austin, TX (2003),
- San Francisco (2004), and
- Boston (2005).

E. Next Meeting

January 14, 2002 at 10:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Commissioner Ware, seconded by Commissioner Lederman and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss the following matters which will become public as follows:

- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public no later than 35 days after mailing.
- B. Investigative Reports of possible violations, which reports will not become public. However, any complaint generated as the result of an Investigative Report will become public no later than 50 days after mailing.

5. Return to Public Session

On a motion by Commissioner Lederman, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission voted to return to Public Session.

6. Adjournment

On a motion by Commissioner Ware, seconded by Commissioner Lederman and passed by a vote of 3-0, the Commission voted to adjourn at 12:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz