



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Deputy Director

GREGORY E. NAGY
Legal Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

October 21, 2002

All of the Commissioners, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present. Counsel Wyse was absent.

1. Open Public Meetings Statement

Chair Martin 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 of September 18, 2002

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission approved the Public Session Minutes of September 18, 2002.

3. Executive Director's Report

A. Commissioner News

Executive Director Herrmann expressed congratulations to Vice Chair Franzese who has been named as a "2002 Woman of Influence" by the YWCA of Essex and West Hudson counties. All of her fellow commissioners heartily concurred.

B. Legislative Developments

According to Executive Director Herrmann, on September 19, 2002, at the Senate State Government Committee Meeting, Senator Joseph Coniglio decided to hold his Bill, S-1525, which bans lobbying benefit passing, for the consideration of possible amendments.

C. Staff Activities

The Executive Director stated that on September 24, 2002, he testified before the Maryland General Assembly Study Commission on public funding of campaigns. Executive Director Herrmann reported that he reviewed how the New Jersey public funding program functions and made some suggestions about possible approaches to program funding and extension of the concept to the legislative level. The Executive Director also discussed his 1997 article, Bricks Without Straw, about how to structure an ethics agency. Executive Director Herrmann noted that there was great interest in New Jersey's program because it is the oldest in the nation and has an exemplary record of success. He said that the 15-member commission, comprised of legislators and prominent citizens as well as nationally-recognized scholar and former ELEC consultant Dr. Herbert E. Alexander, will report its findings to the Governor in December.

The Executive Director mentioned that Assistant Compliance Officer Christopher Guear is planning a lobbying training seminar for January, 2003. Executive Director Herrmann indicated that the session will be held in Trenton and will cover registration and filing requirements.

According to the Executive Director, Jeff Archer of the National Publication Educational Week called Deputy Director Brindle to ask him some questions regarding a story that he was writing about the San Diego School Board Election. Executive Director Herrmann noted that he praised highly the Deputy Director's work on the White Paper series, especially mentioning the most recent one on School Board Campaign Financing. The Executive Director mentioned that the Deputy Director's fine efforts on the series continue to earn the Commission national recognition.

D. Council on Governmental Ethics Law (COGEL) Conference

Executive Director Herrmann advised the Commission that from September 29 to October 2, 2002, he participated in the 24th Annual COGEL Conference in Ottawa, Canada. He stated that he attended many sessions including:

- The campaign financing and lobbying updates;
- Developments in electronic filing;
- A review of issue advocacy, independent expenditures, and soft money;
- A debate on the constitutionality of the Bipartisan Campaign Reform Act (BCRA) of 2002; and
- A panel discussion about the effectiveness of disclosure provisions and spending limits on the ability of candidates and parties to participate equitably in election campaigns.

Executive Director Herrmann reported that he was also involved with the planning of a possible new COGEL initiative concerning agencies providing educational support to candidates and committees so that they can better understand and comply with campaign finance laws. He informed the Commission that ELEC has

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an excellent record in providing such support through its compliance manuals, web site, telephone compliance efforts, training sessions, white papers, and press releases. According to Executive Director Herrmann, ELEC has supported legislation sponsored by Senators William Gormley and Wayne Bryant to increase its budget for further educational outreach. He said that this new COGEL activity should help the Commission in these important endeavors.

The Executive Director advised the Commission that the future schedule of COGEL conferences includes:

- Austin, Texas 2003;
- San Francisco 2004;
- Boston 2005; and
- New Orleans 2006.

Executive Director Herrmann added that as always, this year's meeting was an invaluable learning experience and hopefully next year's budget will allow broader ELEC participation.

E. Future Meeting Schedule

- November 18, 2002, at 11:00 a.m. in Trenton; and,
- December 18, 2002, at 11:00 a.m. in Trenton.

4. Adoption of Proposed Amendments to Commission Regulations

The proposal amends N.J.A.C. 19:25-2.3, Copies of documents; fees, to conform the copying fees charged by the Commission to the fees for copying established in the Open Public Records Act, and N.J.A.C. 19:25-2.4, Release of documents, to establish a procedure for simultaneous and orderly release of the high volume of reports received by the Commission.

No persons appeared to offer testimony at the September 18, 2002, public hearing, and no written comments were received by the October 18, 2002 comment deadline. The proposal is ripe for adoption by the Commission.

On a motion by Vice Chair Franzese, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission adopted the amendments as proposed and directed staff to file the adoption notice with the Office of Administrative Law.

5. Resolution to go into Executive Session

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss the following matters, which will become public as follows:

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- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public not later than seven business days after mailing to the named respondents.
- 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 not later than seven business days after mailing to the named respondents.
- C. A report on requests from the public for investigations of possible violations, which report will not become public in order to protect identity of informants and maintain integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.

6. Return to Public Session

On a motion by Vice Chair Franzese, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission voted to return to Public Session.

7. Adjournment

On a motion by Commissioner Tober, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz