



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH
Chair

PETER J. TOBER
Commissioner

ALBERT BURSTEIN
Commissioner

THEODORE Z. DAVIS
Commissioner

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PUBLIC SESSION MINUTES

September 22, 2004

Chair English, Commissioner Tober, Counsel Wyse, and Senior Staff were present. Commissioner Davis participated by telephone. Commissioner Burstein joined mid-meeting by telephone.

1. Open Public Meetings Statement

Chair English 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. Executive Director Herrmann expressed congratulations to ELEC's new Chair Fitzgerald English. The other Commissioners and staff present concurred.

2. Approval of Public Session Minutes of July 27, 2004

On a motion by Commissioner Tober, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission approved the Public Session Minutes of July 27, 2004.

3. Public Hearing Concerning Proposed Amendments to Implement Campaign Cost Adjustments

Chair English announced that a public hearing was being conducted to solicit public comment on proposed amendments to implement campaign cost adjustments.

A court reporter was present to record the Public Session discussion. Ingrid Reed, representing the Eagleton Institute of Politics, offered testimony. The transcript will be available to the public upon request.

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Professor Reed discussed the possibility of government funding for the purpose of advertising gubernatorial debates. She indicated that every effort should be made to enhance the public's knowledge of the gubernatorial candidates and how the public funding program is working to accomplish that goal. She said that gubernatorial elections are a critical part of New Jersey electoral politics and that every effort should be made to promote those interactive candidate debates. She said the debates are integral to the process of educating the public. Professor Reed also promoted the idea of the Commission obtaining the bank space for additional staff at the ground level of the building. She views this action as helping economic development in Trenton and as an excellent showcase for ethical government in New Jersey.

Chair English concurred, suggesting that staff should make every effort to obtain this additional space to house new staff. She commended the Executive Director for moving so quickly to obtain additional space.

On a motion by Commissioner Tober, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission voted to close the public hearing and to include in the public record a letter received from Senator Richard J. Codey expressing his concern over the cost index adjustments and announcing his intention to introduce legislation to "block the proposed increase [in contribution limits] to State and county political organizations and leadership PAC's and to freeze certain contribution limits other than to candidate committees."

4. Adoption of Proposed New Rules and Amendments to the Gubernatorial Public Financing Regulations

Legal Director Massar presented the proposed new rules and amendments to the gubernatorial public funding regulations. Among other topics, the proposals concerned multiple matching fund accounts, disclosure of candidate participation in issue advocacy organizations, matching fund submission filing dates, the effect of an excessive contribution on the receipt of matching funds, criteria for independent and coordinated expenditures, recordkeeping for public fund expenditures for the purchase of television and radio time, debate sponsor application information, and emergent expenditure limit litigation procedures. The proposal was the subject of a public hearing conducted on July 27, 2004. Previously, the proposal was published in the New Jersey Register on June 21, 2004. The proposed amendments and new rules are the result of comments received by the Commission during public hearings conducted in 2002, the experience of Commission staff in administering the gubernatorial public financing program in past elections, advisory opinions issued concerning public financing, and litigation concerning the public financing program. Legal Director Massar reported that no written comments were received by the August 20, 2004 deadline.

Staff recommended adoption without change of the amendments and new rules.

On a motion by Commissioner Tober, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission voted to adopt the new rules and amendments to the gubernatorial public financing regulations and directed staff to file the notice of adoption and related documents with the Office of Administrative Law.

At this juncture, Commissioner Davis excused himself and left the meeting.

5. Motion Concerning Executive Session

On a motion by Commissioner Tober, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission voted to continue all Executive Session matters until the October Commission meeting.

6. Executive Director's Report

At this point Commissioner Burstein joined the meeting by telephone.

A. Staff Activities

Executive Director Herrmann announced that Assistant Compliance Officers Titus Kamal and Todd Wojcik have taken a new look at the way ELEC issues lobbying identification badges and have developed some outstanding ideas to make the system more efficient and secure. According to Executive Director Herrmann, the new program will go into effect in January, 2005, as a pilot project for newly registered lobbyists. It will be using new digital technology to create the badges. The Executive Director said that in order to respond to the increased workload created by the new reform laws, the staff's organizational structure has been somewhat modified. The Executive Director reported that the Compliance and Information Section has been rearranged into a new Compliance Section that will have multiple subsections to deal with ELEC's new and increased responsibilities. Executive Director Herrmann noted that this restructured section will report directly to the Executive Director along with the existing administrative and legal sections.

Executive Director Herrmann advised the Commission that staff is running two separate training sessions for campaign treasurers at the Mary Roebling building on September 10th and September 29th, 2004. He stated that more sessions will be held upon request by interested groups of filers and that the treasurer training program is scheduled to be greatly enhanced as new staff resources become available.

According to the Executive Director, the staff has added a mission statement and a help desk icon to the website's start page. He said that a second generation website continues to be worked on and should be ready later this fall.

Executive Director Herrmann announced that ELEC now has a toll free number: 1-888-313-ELEC (3532), representing the first visible improvement paid for with the additional funding the Commission received under A-26, which Governor McGreevey signed on August 11, 2004, along with A-1, the Clean Elections Pilot Project Bill. Executive Director Herrmann enthused that the number should prove a boon to local media, citizens, and campaigns in need of Commission information. He added that the staff is anticipating hiring new personnel as quickly as possible to assure that the anticipated increase in telephone traffic is adequately serviced.

According to Executive Director Herrmann, at the kind invitation of the Governor's Office, ELEC has requested assistance with acquiring more space and additional staff to implement the portions of the General Assembly's 25-Point Ethics Reform Package that impact the Commission. The Executive Director noted that on the day that the Governor signed A-26 into law, staff filed a space request form with the Office of Management and Budget (OMB). He mentioned that staff is already moving to fill eight vacant positions but cannot hire any more of the additional 36 new staff needed without additional space approved by OMB and new titles approved by the Department of Personnel. Executive Director Herrmann advised the Commission that the Gubernatorial Public Financing Staff, however, has been hired and will be on board by October, 2004. He stated that ELEC's preference for space has been to stay at 28 West State Street in which the Commission has been housed for the 30 years of its existence. The Executive Director said that the Commission needs to stay in the State House area because of the user needs of legislators, lobbyists, the media, and the public.

B. Northeastern Regional Conference on Lobbying (NORCOL)

The Executive Director reported that on August 9, 2004, Legal Director Massar, Compliance Director Ford, Director of Systems Administration Carol Neiman, and he attended the NORCOL Annual Meeting for regional ethics agency staffs in Springfield, Massachusetts. He indicated that the meeting was attended by well over 20 persons representing five ethics agencies from: Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania as well as a number of lobbyists. Executive Director Herrmann advised the Commission that the proceedings were televised on Connecticut State television and that he led a roundtable discussion of "Hot" lobbying topics. According to the Executive Director, he spoke in detail about the impact of the recently enacted ethics reform package on New Jersey's Lobbying Program, while another speaker discussed agency reputation management for governmental officials. Executive Director Herrmann reported that at the business meeting, he was asked to produce a third edition of the NORCOL Lobbying Guidebook, a compilation of regional information last revised a half-decade ago.

C. Conference on Governmental Ethics Laws (COGEL)

Executive Director Herrmann announced that the 26th Annual COGEL Conference is being held in San Francisco from December 5th through December 8th, 2004. He noted that COGEL is an international organization comprised of governmental ethics agencies and that its founding chairman was ELEC's first chairman, Frank P. Reiche. According to the Executive Director, the annual program consists of plenary and concurrent sessions on various governmental ethics topics in the fields of: campaign financing, lobbying, elections, conflict of interest law, and open public records. He mentioned that ELEC has traditionally sent up to five persons each year and stated that if any Commissioner is interested in attending, please let him know by the next Commission meeting. He said that conference information has been placed in each of their folders.

Executive Director Herrmann informed the Commission that he has nominated Legal Director Massar for a position on the COGEL Steering Committee, noting that the Legal Director has attended nearly two decades of COGEL conferences and is currently serving on the Model Law Subcommittee for Lobbying. Executive Director Herrmann told the Commission that ELEC and New Jersey have not been represented for 15 years on the committee and Legal Director Massar will bring her considerable background to this prestigious and important position.

D. Meeting the Staff Social

Executive Director Herrmann advised the Commission that Chair English has suggested that immediately after the October meeting Commissioners and staff get together for refreshments in the conference room.

A special award for excellence was given to Kim Vandegrift for her central role in protecting ELEC computerized data that could have been destroyed due to a breakdown of the air conditioning system.

Chair English mentioned that a noted and prominent expert attending a leadership meeting at Harvard University called Executive Director Herrmann a genuine expert in the field of campaign financing.

Chair English recognized the Commission's White Paper series and proposed an idea for the next one. She said that ELEC is a resource for scholars, the press, and the public.

E. Fall Meeting Schedule

- October 19, 2004 at 11:00 a.m. in Trenton;
- November 16, 2004 at 11:00 a.m. in Trenton; and,
- December 14, 2004 at 11:00 a.m. in Trenton.

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7. Adjournment

On a motion by Commissioner Burstein, seconded by Commissioner Tober and passed by a vote of 3-0, the Commission voted to adjourn at 1:15 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz