



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH
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Vice Chair

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Commissioner

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

(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

Website: <http://www.elec.state.nj.us/>

FREDERICK M. HERRMANN, Ph.D.
Executive Director

JEFFREY M. BRINDLE
Deputy Director

CAROL L. HOEKJE
Legal Director

EVELYN FORD
Compliance Director

JAMES P. WYSE
Legal Counsel

PUBLIC SESSION MINUTES

March 17, 2009

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, Legal Counsel Wyse, and Senior Staff were present.

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 10:00 a.m. in Trenton.

2. Approval of Public Session Minutes of February 17, 2009

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission approved the Public Session Minutes of February 17, 2009, as amended. Commissioner Saunders was absent for the February meeting.

3. Approval of Public Session Minutes for March 5, 2009

On a motion by Commissioner Saunders, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission approved the Public Session Minutes of March 5, 2009.

4. Executive Director's Report

A. Fiscal Year 2009 Budget Update

Executive Director Herrmann stated that because of the current fiscal crisis, the administration has announced the following \$882,000 in impoundments from ELEC's budget for the remainder of Fiscal Year 2009:

- \$289,000 from the remaining money for the administration of the Clean Elections Program,
- \$50,000 from the equipment account,
- \$22,000 in lobbying fees collected for the website from a special Information Technology account,
- \$200,000 from lobbying fees,
- \$33,000 from professional fundraiser fees, and
- \$288,000 from the salary account.

The Executive Director added that except for the funds from the salary account, none of the money comes out of the operational budget. He said, moreover, most of the salary account money could not be spent because of the hiring freeze. The Executive Director assured the Commissioners that ELEC will be able to operate for the rest of Fiscal Year 2009 because of various efficiencies including: cancelling of tuition reimbursement, postponing the purchase of equipment, and suspending out-of-office staff travel.

According to Dr. Herrmann, Governor Jon S. Corzine has also announced that all State employees will be furloughed for one day in May and one day in June. The Executive Director noted that ELEC's Human Resource staff will be working on preparing a schedule to minimize the furlough's impact on the Commission's workload in the event that the Administration does not choose two specific dates.

B. Staff Activities

Executive Director Herrmann reported that he had received a jury summons for the week of April 6, 2009. The Executive Director told the Commissioners that he requested a postponement until after July 1, 2009, so that he could continue his participation in administering the gubernatorial primary and not miss the April 7, 2009 meeting on debate sponsor selection.

Executive Director Herrmann indicated that in late February, staff was contacted by the Connecticut office of State Ethics about where they could secure a copy of his 1997 article "Bricks Without Straw: The Plight of Governmental Ethics Agencies in the United States." The Executive Director said that the Connecticut staff was told that the article had been published by the Council of State Governments in the journal Public Integrity Annual. Dr. Herrmann added that the Connecticut agency

Public Session Minutes

March 17, 2009

Page 3

needed to review the article because they are “in an era of justifying the tools we need to be effective.” The Executive Director stated that he told the Commissioners that it was interesting to find out that after a decade the article’s argument that ethics agencies need to be autonomous, adequately funded, and capable of enforcing the law is still considered relevant.

Executive Director Herrmann announced that the Compliance Division staff held three training seminars in the high tech training room in January for Governmental Affairs Agents. He mentioned that ELEC currently monitors the activities of 1,054 agents and that the Division staff has completed processing the renewal of agent badges for calendar year 2009.

Executive Director Herrmann noted that the Information Technology Section completed a major upgrade to ELEC’s online contributor data search mechanism on March 5, 2009, and that this upgrade will make searches easier to perform for site users and searches will run considerably faster. The Executive Director expressed congratulations to the Information Technology Director Carol Neiman and her staff for an important improvement very well done.

Executive Director Herrmann reported that on March 11, 2009, the Compliance Division staff made available in the public records room data from the annual reports of lobbying activity for the 2008 calendar year. He stated that this data, which provides total receipts and expenditures, a summary of benefit passing, and other information was also made available at the same time on ELEC’s website. According to Dr. Herrmann, benefit passing in 2008 dropped almost 30 percent from the previous year to \$22,271, while total spending declined almost one percent to \$54.4 million. He expressed thanks to Compliance and Information Director Ford, Director of Lobbying Linda White, and their staff for doing a wonderful job in compiling, presenting, and distributing this material.

The Executive Director mentioned that Assistant Software Engineer Stanley Su has left the Commission for a new position at Rutgers University. Executive Director Herrmann said that he did outstanding work for the Information Technology Section and will be greatly missed. The Executive Director added that because of the ongoing hiring freeze, ELEC will not be able to refill his position. His departure drops the full time employee count to 66.

C. Spring Meeting Schedule

- April 7, 2009 at 10:00 a.m. (Gubernatorial Public Financing Debate Sponsor Selection) in Trenton;
- April 20, 2009 at 11:00 a.m. in Trenton;
- May 19, 2009 at 11:00 a.m. in Trenton; and,
- June 16, 2009 at 11:00 a.m. in Trenton.

5. 2009 Gubernatorial Public Financing Program Update

Special Programs Director Amy Davis reported that staff completed its review of Candidate Steven Lonegan's third and fourth submissions and issued public funds totaling \$217,974.88 on March 6, 2009. She said that Candidate Lonegan filed a fifth submission on March 10, 2009, and that staff will report to the Commission on Submission #5 at the next Commission meeting.

Director Davis mentioned that staff also completed its review of Candidate Chris Christie's first and second submissions. She said that on February 19 and February 27 public funds in the amounts of \$760,160 and \$236,754.20, respectively, were disbursed to the campaign. Director Davis stated that Candidate Christie filed a third submission on March 10. Staff will report to the Commission on Submission #3 at the next Commission meeting.

According to Director Davis, the next date for filing matching fund submissions is March 24th. The Director indicated that staff will report to the Commission at its meeting on April 20th on the status of any submissions received and public funds disbursed.

Chair English asked for an update concerning the debate sponsor applications.

Director Davis stated that March 16, 2009, was the deadline for 2009 gubernatorial primary election debate sponsors. She noted that the Commission received three applications and that staff will provide the Commissioners with a summary of the applications in advance of the April 7, 2009 Commission meeting to select debate sponsors.

Chair English asked if other candidates were interested in applying for public funds.

Director Davis responded that several other candidates were interested in applying and receiving public funds but had not been able to raise the required threshold amount of \$340,000 to date.

Chair English asked if an Independent candidate was interested in receiving public funds.

Director Davis stated that there was an Independent candidate interested in applying for the 2009 general election, but that no application has been received to date. She stated that the deadline to apply for public funds in the 2009 general election was September 1, 2009.

6. Public Hearing Concerning Proposed Amendments for Use of Campaign Funds for Legal Fees

Chair English announced that a public hearing was being conducted to elicit public comment concerning proposed amendments of N.J.A.C. 19:25-6.10, the regulation concerning use of campaign funds for legal fees.

Public Session Minutes

March 17, 2009

Page 5

No persons appeared to offer testimony. A court reporter was available to record the proceedings. The transcript will be available to the public for inspection upon request.

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission adjourned the public hearing.

7. Resolution to go into Executive Session

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and the following matter, 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 not later than seven business days after mailing to the named respondents.

8. Adjournment

On a motion by Commissioner Saunders, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission voted to adjourn at 11:40 a.m.

Respectfully submitted as true
and correct,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz