



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
Commissioner

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Commissioner

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PUBLIC SESSION MINUTES

September 2, 2009

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, and Legal Counsel Wyse participated by telephone. Executive Director Brindle, Legal Director Hoekje, and Director of Special Programs Amy Davis were present.

The meeting convened at 1:00 p.m. in Trenton.

1. Open Public Meetings Statement

Chair English called the meeting to order, and Executive Director Brindle announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., notice of this special emergency telephonic meeting of the Election Law Enforcement Commission was announced for September 2, 2009, at 1:00 P.M., at the Commission's offices, and was distributed at approximately 10:30 A.M. on September 1, 2009, to the entire State House press corps and was filed with the Secretary of State's Office. It was also posted on the Commission's website.

Executive Director Brindle said that the Commission believes that it is in the public interest to act expeditiously upon an urgent matter of importance and of concern to the public interest about the dates of the 2009 general election gubernatorial debates and the 2009 general election lieutenant gubernatorial debate. The Commission could not have reasonably foreseen the need for this meeting at a time when adequate notice could have been provided. He remarked that the agenda of the special meeting will be limited to discussion of and action with respect to such matters of importance.

In light of the fact that notice for this special meeting was not given 48-hours prior to the meeting, Executive Director Brindle suggested that there be a motion and vote to enact a resolution authorizing the holding of this special meeting to establish that a delay for the purpose of providing adequate notice would result in substantial harm to the public interest.

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission resolved to hold the special meeting.

A court reporter was available to record the proceedings.

2. 2009 General Election Gubernatorial Debates and the 2009 General Election Lieutenant Gubernatorial Debate - Continued Discussion from August 31, 2009 meeting

At Chair English's request, Executive Director Brindle provided a synopsis of the August 31, 2009 meeting. He also advised the Commission of developments on September 1, 2009: 1) NJN-Public Television & Radio withdrew its request for a change in the debate dates; and 2) the Corzine campaign filed a statement of intent to participate in the ELEC-sanctioned debates.

Chair English requested that all relevant correspondence be placed in the record.

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission approved NJN-Public Television & Radio's withdrawal of its petition to change the date of the first gubernatorial debate from October 1 to October 22, 2009.

Executive Director Brindle advised the Commission that the debate schedule was as follows:

- **October 1, 2009** – gubernatorial debate, sponsored by NJN-Public Television and Radio, in conjunction with the Philadelphia Inquirer, and the Gannett New Jersey newspaper group;
- **October 8, 2009** – lieutenant gubernatorial debate, Sponsored by Leadership New Jersey, in conjunction with News 12 New Jersey, NJ 101.5 FM, and the Gannett newspaper chain. and,
- **October 16, 2009, aired on October 18, 2009** – gubernatorial debate, sponsored by William Paterson University with WWOR-TV, WTXF-TV and Fox News.

Commissioner Burstein directed staff to examine the applicable regulations with regard to the request for a date change as well as the lieutenant gubernatorial debate requirements.

Commissioner Saunders expressed agreement with Commissioner Burstein.

Vice Chair Tober expressed satisfaction at a resolution of the matter and retention of the original debate schedule which would not require rescheduling of the lieutenant gubernatorial debate.

The Executive Director noted that the Commission holds a public hearing after every gubernatorial election cycle, and would do so again the following January or February for the purpose of soliciting public comments and examining recommendations for future changes.

On a motion by Vice Chair Tober, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission ratified the master calendar for the gubernatorial debates as indicated above.

Public Session Minutes

September 2, 2009

Page 3

3. Adjournment

The Chair directed the meeting be closed at 1:20 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz