



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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DAVID LINETT
Vice Chair

PAULA A. FRANZESE
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Counsel

PUBLIC SESSION MINUTES

February 17, 2000

Chair Martin, Vice Chair Linett, Commissioner Ware, Counsel Wyse, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present.

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 January 10, 2000

On a motion by Vice Chair Linett, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission approved the Public Session Minutes of January 10, 2000.

3. Executive Director's Report

A. Recomputerization

Executive Director Herrmann announced that Director of Compliance and Information Evelyn Ford and Director of Systems Administration Carol Neiman debriefed the electronic filing candidates from the fall general assembly election. According to the Executive Director, the candidates uniformly praised the new software and offered some useful constructive criticism that is being acted upon.

B. Budget

Executive Director Herrmann advised the Commission that the Governor has recommended a budget of \$3,578,000 for FY-2001. The Executive Director noted that the recommendation is \$1,041,000 higher than ELEC's current budget of \$2,537,000. He said that \$600,000 is for administering the Gubernatorial Public Financing Program and that \$56,000 is for salary program money. Executive Director Herrmann added that \$385,000 is for the hiring of 9 staffers to support ELEC's recently instituted web site as well as the implementation of electronic filing for candidates. Executive Director Herrmann informed the Commission that \$7,000,000 was recommended for payouts from the Gubernatorial Public Financing Program.

C. National News

The Executive Director reported that on January 24, 2000, the U.S. Supreme Court in a 6-3 decision upheld a Missouri State Law establishing contribution limits in Nixon v. Shrink Missouri Government PAC. He said that the Court ruled:

- The \$1,000 Federal limit does not constitute a Constitutional minimum limit,
- A state does not need to demonstrate actual practices of corruption to established contribution limits, and
- Limits cannot be set so low as to prevent the running of campaigns.

Executive Director Herrmann said that one of the two concurring opinions and one of the two dissenting opinions explored the possibility of regulation beyond contribution limits, i.e., soft money, expenditure limits, and contribution limits from wealthy candidates to their own campaigns.

According to Executive Director Herrmann, the ruling was a reconfirmation of Buckley's contribution limits that leaves open a possibility for future reform.

D. Legislative Developments

Executive Director Herrmann said that on February 7, 2000, he testified before the Assembly State Government Committee on A-1317 (Augustine) that extends the filing date for Personal Financial Disclosure forms from the 10th day following the petition filing to the 30th day. He noted that ELEC has suggested for years that the period be extended because the current timeframe for filing is unrealistically short. Executive Director Herrmann said that he supported the Bill, which was released unanimously.

E. Staff Activities

The Executive Director informed the Commission that on January 27, 2000, Deputy Director Brindle spoke to Star-Ledger Reporter Dan Weissman's Journalism class at Rutgers University about the work of the Commission. He added that on February 3, 2000, he spoke to the Seton Hall University School of Law Legislative Research Bureau about campaign financing reform.

Executive Director Herrmann announced that the has been renamed to the COGEL Publications and Awards Committees.

The Executive Director noted that a new rug was laid in the public areas and the Edward J. Farrell Memorial Conference Room on the 12th floor. He noted that tile was laid in the computer area. He said that Assistant Systems Administrators' Kim Vandegrift and Anthony Giancarli worked until midnight Thursday, on a State Holiday Friday, and on Saturday to disassemble and reassemble the computer system to enable the tiling. The Executive Director indicated that the rest of the 12th floor will be completed within the next 18 months.

F. Spring Meeting Schedule

March 13, 2000 at 11:00 a.m.

April 17, 2000 at 11:00 a.m.

May 15, 2000 at 11:00 a.m.

G. Ethics Forms

Executive Director Herrmann reminded the Commission that a notarized copy with an original signature must be filed by May 15th with both the Executive Commission on Ethical Standards and the Chief Counsel's Office.

Commissioner Franzese arrived at this juncture in the meeting.

4. Resolution to Go Into Executive Session

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission resolved to go into closed 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. Adjournment

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On a motion by Vice Chair Linett, seconded by Commissioner Ware 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