



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

RALPH V. MARTIN  
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Vice Chair

LYNNAN B. WARE  
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SUSAN S. LEDERMAN, Ph.D.  
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GREGORY E. NAGY  
Legal Director

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Counsel

### PUBLIC SESSION MINUTES

September 7, 2001

Senior Staff and Deputy Legal Director Nedda Gold Massar were present. Chair Martin, Vice Chair Franzese and Commissioner Lederman participated by telephone conference call. Commissioner Ware and Counsel Wyse were absent.

#### 1. Open Public Meetings Statement and Approval of Special Meeting

Executive Director Herrmann called the meeting of the New Jersey Election Law Enforcement Commission to order after confirming the presence on the phone line of the Commissioners. Pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., notice of this special telephonic meeting of the Election Law Enforcement Commission was announced for September 7, 2001, at 1:45 p.m., at the Commission's offices, was distributed on Thursday, September 6, 2001, at approximately 3:00 p.m. 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 Herrmann said, based on the meeting of September 6, that the Commission believes it is in the public interest to act expeditiously upon the application of gubernatorial candidate William Schluter to extend the September 4, 2001 statutory and regulatory deadline for qualification to participate in the general election public financing program and gubernatorial candidates' debates.

The agenda of the meeting was limited to consideration of and action upon Candidate Schluter's request.

In light of the fact that notice for this special meeting was not given 48 hours prior to the meeting as described in the Open Public Meetings Act, Executive Director Herrmann suggested a motion and vote to enact a resolution authorizing the holding of this special Commission meeting for the purpose stated above.

On a motion by Commissioner Lederman, seconded by Vice Chair Franzese and passed by a vote of 3-0, the Commission voted to authorize the holding of this special Commission meeting.

The meeting convened at 1:45 p.m. in Trenton, New Jersey.

A Court Reporter was present to record the Public Session discussion. The transcript will be available to the public upon request.

1. Application of Gubernatorial Candidate William Schluter to Extend the Deadline for Qualification to Participate in Gubernatorial Public Financing and the Gubernatorial Candidate Debates. A continuation of a discussion from the September 6, 2001, Commission meeting and action on a request from gubernatorial candidate William Schluter to extend the September 4, 2001 statutory and regulatory deadline for qualification to participate in the general election gubernatorial public financing program and the gubernatorial candidates debates.

Chair Martin acknowledged that pursuant to the Commission's direction at yesterday's meeting, staff had prepared and circulated to the Commissioners a memorandum concerning the statutory and regulatory basis for the September 4, 2001 qualification deadline to participate in public financing and the gubernatorial candidates' debates. Chair Martin asked Legal Director Nagy to review that memorandum.

Legal Director Nagy read the text of the memorandum that had been circulated to the Commissioners and that concluded that the September 4, 2001 deadline for public financing and debate qualification must be maintained.

Public Comments were received from Senator William E. Schluter, independent candidate for the office of governor.

Chair Martin stated that resolution of this matter must be predicated upon legal grounds and that he agrees with the staff recommendation.

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 3-0, the Commission voted to approve the staff recommendation found in a memorandum addressed to Frederick M. Herrmann, Ph.D., Executive Director, dated September 7, 2001, and entitled, "Senator Schluter Application for Public Financing."

#### Adjournment

On a motion by Chair Martin, seconded by Vice Chair Franzese and passed by a vote of 3-0, the Commission voted to adjourn at 2:25 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director