



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Legal Director

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PUBLIC SESSION MINUTES

March 18, 2002

All of the Commissioners, 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. at Seton Hall University Law School in Newark.

2. Approval of Public Session Minutes of February 21, 2002

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission approved the Public Session Minutes of February 21, 2002.

3. Executive Director's Report

A. Budget News

Executive Director Herrmann reported on a recent study by the NJPIRG Law and Policy Center entitled Contracts and Campaigns, which recommended that "ELEC be given the resources to more tightly monitor campaign contributions and spending at the local level. The Executive Director added that campaigns for legislators and statewide office consume most of the energy of the State's election watchdog. According to Executive Director Herrmann, the State has much room for improvement in its monitoring of local political fundraising." He said that the Commission has been interested for a number of years in improving its ability to administer and enforce the Campaign Act at the local level. Executive Director Herrmann mentioned that it is hoped that this report will give a boost to these aspirations.

B. Staff Activities

Executive Director Herrmann stated that he has been asked again to serve on COGEL's Award Committee. He informed the Commission that the international governmental ethics organization gives out three awards at its annual meeting. The Executive Director said that one award is the COGEL Award for the promotion of ethical conduct among public officials in the international arena. He said that previous winners, in addition to himself, have been:

- Fred Wertheimer of National Common Cause,
- Larry Noble of the Center for Response Politics,
- Senator Carl Levin of Michigan,
- Congressman Christopher Shays of Connecticut,
- National Political Correspondent Michelle Malkin, and
- Chief Electoral Officer of Canada Jean-Marc Hamel.

Executive Director Herrmann said that the two other awards are the COGEL Service Award and the Lifetime Membership Award. According to the Executive Director, he was also asked to serve again on the Publications Committee. He noted that COGEL's publication program includes:

- The COGEL Model Law,
- The COGEL Campaign Financing and Lobbying Bibliography,
- The Quarterly Journal Public Integrity, and
- The COGEL Guardian.

The Executive Director advised the Commission that he spoke on February 27, 2002, at the New Jersey State Government Relations Workshop sponsored by the Public Affairs Council at the Nassau Inn in Princeton. The Executive Director said that his topic was "Legal Constraints: Registration and Regulation of Corporate PACs and Lobbyists." Executive Director Herrmann informed the Commission that among the other speakers for the two-day program were:

- Former Governor Florio,
- NJ Chamber of Commerce President Joan Verplanck,
- Politifax Editor Nick Acocella,
- Star-Ledger Reporter Joe Donohue,
- RSC Chair Senator Joseph Kyrillos,
- Chair of Homeland Security and State Preparedness Committee Assemblywoman Joan Quigley.

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According to Executive Director Herrmann, the Attorney General, with input from ELEC and other "in but not of" agencies, has developed a joint proposal for access to records in order to implement the new Right-to-Know Law. He stated that the proposal was targeted for filing in early March to ensure sufficient time for adoption by the law's effective date on July 8, 2002. Executive Director Herrmann reported that Director of Compliance and Information Evelyn Ford continues to serve with great distinction as ELEC's representative to the Attorney General's committee working on this important issue.

The Executive Director advised the Commission that the Star-Ledger (Newark), on March 6, 2002, ran a major front page story based on the Commission's release of lobbying statistics for 2001. He said that the fine work of Director Ford, Director of Systems Administration Carol Neiman, and their staffs in compiling the data for the Internet in a highly comprehensible form was very apparent in the article. Executive Director Herrmann advised the Commission that on the same day, he was interviewed by Rachel Williams of NJ 101.5 Radio about the possibility of capping benefit passing. He mentioned that the Commission had recommended in its last annual report that the Legislature should consider a cap of \$250 per year to reduce even the appearance of undue influence.

C. Annual Financial Disclosure Statements

Executive Director Herrmann reminded the Commission that the Annual Financial Disclosure Statements should be completed and filed by April 29, 2002, with the Executive Commission on Ethical Standards. He stated that it is no longer necessary to file a second copy with the Governor's Counsel.

D. Spring Meeting Schedule

April 18, 2002, at 11:00 a.m. in Trenton;
May 20, 2002, at 11:00 a.m. in Trenton; and
June 20, 2002, at 11:00 a.m. in Trenton.

4. Public Hearing Concerning the Gubernatorial Public Financing Program

Chair Martin announced that the public hearing was being conducted for the purpose of review of the Gubernatorial Public Financing program. Testimony was offered by William Baroni, Esq., and Ingrid Reed. A Court Reporter was present to record the testimony, and the transcript will be available to the public upon request.

5. Resolution to go into Executive Session

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss the following matters which will become public as follows:

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- 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.

6. Return to Public Session

On a motion by Commissioner Tober, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission voted to return to Public Session.

7. Adjournment

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman 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