



*State of New Jersey*

## ELECTION LAW ENFORCEMENT COMMISSION

RALPH V. MARTIN  
Chair

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Vice Chair

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JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

June 18, 2003

Chair Martin, Commissioner Lederman, Commissioner Tober, Counsel Wyse, and Senior Staff were present. Vice Chair Franzese participated by telephone.

#### 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 3:00 p.m. in Trenton, New Jersey.

#### 2. Approval of Public Session Minutes of May 19, 2003

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission approved the Public Session Minutes of May 19, 2003.

#### 3. Executive Director's Report

##### A. Ethics News

Executive Director Herrmann reported that the Delaware State Public Integrity Commission is planning to use ELEC's most recent annual report as a model for its next yearly report to the Delaware Legislature.

The Executive Director stated that on May 14, 2003, George Tabor's Business Report on NJ 101.5 Radio highlighted a May 10, 2003, article about local political corruption in New Jersey that had appeared in the Economist, an international publication. Executive Director Herrmann said that the story called New Jersey the

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Louisiana of the North. According to Executive Director Herrmann, Tabor argued that the State's reputation for corruption was a disincentive for new business development.

Executive Director Herrmann added that ELEC has proposed a local government initiative to create a county/municipal/school board campaign contributor database, provide better review of reports, and undertake educational outreach. The Executive Director noted that it may well be that a state expenditure for this purpose could at least partially offset the State's negative ethical image and more than pay for itself if it helps support future economic growth.

Executive Director Herrmann reported the Center for Public Integrity did a national survey on the effectiveness of state lobbying laws. He said that New Jersey's law ranked 14<sup>th</sup> with a passing score. The Executive Director informed the Commission that ELEC has recommended strengthening the law in a joint report with the Attorney General in 1982, a White Paper in 1990, and numerous annual reports including the one distributed last month. He mentioned that the Commission has suggested:

- Grassroots lobbying coverage,
- Contract lobbying coverage,
- A benefit passing cap,
- More frequent filing, and
- Higher penalties.

### B. Staff Activities

According to the Executive Director, he addressed a class from College Leadership New Jersey on ELEC's role in administering and enforcing the Campaign Act. He said that the group was composed of student leaders from various public and private colleges in the State.

Executive Director Herrmann reported that Director of Compliance and Information Evelyn Ford, Director of Systems Administration Carol Neiman, and their staff once again did an outstanding job of providing campaign finance statistics to the media and the public. The Executive Director advised the Commission that while working over the memorial day weekend on the 11-day preelection reports, the staff compiled statistical data which appeared throughout statewide media. He noted that by the end of the primary, over \$20 million will have been spent. Executive Director Herrmann added that it will be the most expensive primary in New Jersey history with spending four times greater than only a decade ago.

### C. COGEL Update

Executive Director Herrmann informed the Commission that he participated in two COGEL Award Committee meetings by telephone conference on May 21, 2003, and May 28, 2003. He stated that at the first meeting, the committee selected former President Jimmy Carter as the recipient of the 2003 COGEL Award. The Executive

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Director mentioned that unfortunately, former President Carter will not be able to be present to receive it at the annual conference but that he suggested that Mrs. Carter be asked to accept it in the former President's place. Executive Director Herrmann added that the committee also decided to give Nicole Gordon, the Executive Director of the New York City Campaign Finance Board, the 2003 COGEL Service Award. Executive Director Herrmann advised the Commission that at the second meeting he proposed, in response to a request from Jeff Garfield, the Executive Director of the Connecticut Election Enforcement Commission, that as a tribute to his Commission's Chair, Al Rogers, who recently passed away, the annual conference be dedicated to the Chair's memory. He also stated that he recommended that the COGEL Award be renamed the Reiche-Hamel Award in honor of Frank P. Reiche and Jean-Marc Hamel. According to Executive Director Herrmann, Reiche was not only ELEC's first Chair and former Chair of the Federal Election Commission, but also the Chair of the committee that formed COGEL a quarter of a century ago. The Executive Director said that in 1983, Mr. Reiche received an award from COGEL, which was the predecessor of the current COGEL Award, "for distinguished service in the cause of good government." He noted that Jean-Marc Hamel was the Chief Electoral Officer of Canada for 24 years and was the only Canadian to serve on the committee that formed COGEL. Executive Director Herrmann told the Commission that he is an officer of the Order of Canada, and in 1985 was the first recipient of the COGEL Award. Executive Director Herrmann suggested that naming the award after these good friends would be not only a way to honor two of North America's most important ethicists but also a way to honor the two countries from whom COGEL draws most of its members. Executive Director Herrmann said that he also suggested that the Awards Committee conduct a study next year to create an award for academic achievement in the field of governmental ethics. He suggested that this award be presented at a special plenary session and accompanied by a scholarly presentation by the winner. According to Executive Director Herrmann, the committee voted unanimously to send all of these ideas to the Steering Committee for final approval. Executive Director Herrmann announced that the COGEL conference will be held in Austin, Texas from September 21<sup>st</sup> to September 24<sup>th</sup>, 2003. He mentioned that any Commissioner who is interested in attending should let him know by the next meeting.

D. Review of White Paper Number 16

Deputy Director Brindle went over the findings of the most recent White Paper. Executive Director Herrmann stated that as always, Deputy Director Brindle has done an outstanding job. The Executive Director asked the Commissioners to please get back to Deputy Director Brindle by the next meeting with any comments or suggestions that they might have.

E. Summer Meeting Schedule

- July 17, 2003 at 11:00 a.m. in Trenton; and
- August 20, 11:00 a.m. in Trenton. (If Needed)

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4. Resolution to go into Executive Session

On a motion by Commissioner Tober, seconded by Commissioner Lederman 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:

- 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.
- 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 not later than seven business days after mailing to the named respondents.

5. Return to Public Session

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

6. Adjournment

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission voted to adjourn at 4:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz