



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Vice Chair

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JEFFREY M. BRINDLE
Deputy Director

NEDDA G. MASSAR
Legal Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

December 10, 2003

All of the Commissioners and Senior Staff were present. Counsel Wyse was absent.

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.

2. Approval of Public Session Minutes of November 17, 2003

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 November 17, 2003.

3. Executive Director's Report

A. Gubernatorial Public Financing

Executive Director Herrmann informed the Commission that staff has been following national stories about former Vermont Governor Howard Dean and Massachusetts Senator John Kerry opting not to accept public money for the 2004 presidential primary. He noted that because New Jersey's Gubernatorial Public Financing Program provides adequate funds and contains a realistic expenditure limit, staff is not concerned that New Jersey will experience similar problems in the 2005 gubernatorial election. The Executive Director mentioned that at the federal level, Arizona Senator John McCain, Wisconsin Senator Russ Feingold, Connecticut Representative Christopher Shays, and Massachusetts Representative Marty Meehan are working on legislation to provide more dollars and a higher spending cap to keep the federal program viable.

B. Staff Activities

Executive Director Herrmann introduced new staff member Aracelis Ocasio who joined the Commission on October 6, 2003 as a clerk. According to the Executive Director, among her functions is the important one of delivering office mail. Executive Director Herrmann said that she also serves as a backup in the reception area and has already done excellent work on three filing nights.

The Executive Director advised the Commission that Director of Systems Administration Carol Neiman and Associate Data Entry Technician Barbara Counts have once again run an extremely successful fundraising drive at ELEC for the New Jersey State Employees Charitable Campaign. He informed the Commission that they raised \$5,634 this year, setting an agency record. Executive Director Herrmann told the Commission that he is very proud of the entire staff as well as Carol and Barbara for their deeply felt and expressed charitable spirit. He stated that he will present Carol, Barbara, and the staff with a new "Commissioners' Award" for their generous efforts at the annual winter luncheon.

Executive Director Herrmann announced that he published an article in the fall, 2003 issue of the Guardian entitled "Ethical Leadership: Practical Lessons from the Boardroom and the Battlefield." He thanked Deputy Director Brindle and Legal Director Massar for proofreading the piece and commenting on it.

According to Executive Director Herrmann, the Hong Kong Legislative Council is doing a study of electoral regulatory bodies in the United Kingdom, Australia, New Zealand, and New Jersey. The Executive Director reported that he has responded to various questions about how ELEC operates and has requested a copy of the final report that will be published in February 2004. He said that it is an honor that the Commission has been chosen for this sort of review and that ELEC has been widely recognized as a leader in the field for many years.

C. Computer Developments

Executive Director Herrmann advised the Commission that during the 2003 legislative general election, ELEC received 38 electronically filed reports. He said that staff anticipates a full electronic filing roll out by the 2005 general election if the Commission gets adequate financial support to create a 24/7 help desk. Executive Director Herrmann stated that the 2005 gubernatorial election will also use electronic filing. The Executive Director reported that a vendor is currently working on web site upgrades that will remove the need for a viewer download to look at scanned reports and provide a mechanism for remote access monitoring of the site to prevent the possibility of weekend crashes.

D. General Election 2003 Spending

Executive Director Herrmann reported that this year's legislative general election was the most expensive in state history. He said that candidates spent \$40.4 million, an amount that was double the amount spent in 1997, five times the amount spent in 1983, and ten times the amount spent in 1977. The Executive Director noted that, moreover, in 2003 eight candidate committees spent over \$1 million, while in 2001 only one did in the first such occurrence of such spending. Executive Director Herrmann singled out the Compliance and Computer Sections under Directors Evelyn Ford and Carol Neiman, which once again did an amazing job of compiling the numbers in a very short period of time and assisting the media in using them. Executive Director Herrmann added that over the next few months, staff will analyze this data as the basis for suggesting to the Commissioners some new legislative recommendations that could be included in the 2003 annual report.

E. Winter Schedule

- January 23, 2004 at 11:00 a.m. in Trenton;
- February 17, 2004 at 11:00 a.m. in Trenton; and,
- March 16, 2004 at 11:00 a.m. in Trenton.

4. Resolution to go into Executive Session

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

Public Session Minutes

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6. Adjournment

On a motion by Commissioner Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission voted to adjourn at 12:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz