



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH
Chair

PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
Commissioner

THEODORE Z. DAVIS
Commissioner

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Compliance Director

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PUBLIC SESSION MINUTES

October 28, 2005

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Davis, and Counsel Wyse participated by telephone. Executive Director Herrmann, Deputy Director Brindle, and Legal Director Nedda Massar were present.

1. Open Public Meetings Statement and Approval of Special Meeting

Chair English called the meeting to order, and Executive Director Herrmann announced that 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 October 28, 2005, at 12:30 P.M., at the Commission's offices, and was distributed at approximately 4:30 P.M. on October 27, 2005 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 that the meeting is necessary to deal with an urgent matter of importance and of concern to the public interest about the Clean Elections Pilot Project. A delay for the purpose of providing adequate notice might result in harm to the public interest. The Commission could not have foreseen the need for this meeting at a time when adequate notice could have been provided. The special meeting will be limited to discussion of the matter of importance

In light of the fact that notice for this special meeting was not given 48-hours prior to the meeting, Executive Director Herrmann suggested that there be a motion and vote to enact a resolution authorizing the holding of this special meeting to establish that a delay for the purpose of providing adequate notice would result in substantial harm to the public interest.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission voted to authorize the holding of the special Commission meeting because a delay for the purpose of providing adequate notice would result in harm to the Clean Elections Pilot Project.

The meeting convened at 12:30 P.M. in Trenton.

2. Resolution to go into Executive Session

Pursuant to N.J.S.A. 10:4-12b(6), on a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss a report of an allegation of possible violations of the Fair and Clean Elections Pilot Project Act, which report will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint which may be generated as a result of this report will become public not later than seven business days after mailing to the named respondents.

Return to Public Session

3. Adjournment

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission voted to adjourn at 1:25 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz