



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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Legal Director

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Compliance Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

November 3, 2005

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

1. Open Public Meetings Statement and Approval of Special Meeting

Vice Chair Tober 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 November 3, 2005, at 3:00 P.M., at the Commission's offices, and was distributed at approximately 11:30 A.M. on November 3, 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.

The Executive Director explained that this special meeting is being held pursuant to N.J.S.A. 10:4-9 because the Commission believes that it is necessary to deal with an urgent matter in the public interest concerning an allegation of a possible violation of the Campaign reporting Act in the 2005 general election. The Commission could not have foreseen the need for this meeting at a time when adequate notice could have been provided.

The agenda of the special meeting will be limited to consideration in Executive Session of the alleged violation.

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 Burstein, seconded by Commissioner Davis and passed by a vote of 3-0, 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 2005 general election.

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The meeting convened at 3:00 P.M. in Trenton.

2. Resolution to go into Executive Session

On a motion by Commissioner Davis, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss the 2005 general election matter.

Return to Public Session

3. Adjournment

On a motion by Commissioner Davis, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission voted to adjourn at 4:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz