



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

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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

February 21, 2006

Chair English, Vice Chair Tober, Commissioner Burstein, Counsel Wyse and Senior Staff were present. Commissioner Davis was absent.

#### 1. Open Public Meetings Statement

Chair English 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 10:00 a.m. in Trenton.

#### 2. Approval of Public Session Minutes of January 17, 2006

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission approved the Public Session Minutes of January 17, 2006.

#### 3. Executive Director's Report

##### A. Filing of Annual Ethics Forms

Executive Director Herrmann advised the Commission that pursuant to Executive Order No. 1 of 2006, ELEC Commissioners and senior staff have to file Personal Financial Disclosure Statements with the State Ethics Commission (formerly known as the Executive Commission on Ethical Standards) by May 17<sup>th</sup>, 2006. He said that the forms have been put into the Commissioners' folders. The Executive Director asked the Commissioners to let staff know if any assistance with the process is needed.

B. Clean Elections Update

According to the Executive Director, Legal Director Nedda Massar, Director of Special Programs Amy Davis, and he have continued to attend meetings of the Clean Elections Commission and provide technical assistance. Executive Director Herrmann noted that the Commission held two working sessions at the State House on January 11<sup>th</sup> and January 18<sup>th</sup>, 2006, as well as a press conference there on February 7<sup>th</sup>, 2006, to release its Preliminary Report. The Executive Director mentioned that Chairman William E. Schluter kindly praised ELEC for its work on the program. He said that the Clean Elections Commission will continue to hold meetings for the next few months culminating in the release of a final report in May. The Executive Director added that it is anticipated that draft legislation will be part of that report.

Executive Director Herrmann indicated that Legal Director Massar, Director Davis, and he also attended a Clean Elections Publicity Program at the Eagleton Institute of Rutgers University, on February 10<sup>th</sup>, 2006. At the session, a panel discussed ways in which information on this kind of a program could best be communicated to the public.

C. Staff Activities

Executive Director Herrmann noted that as part of an ongoing process to professionalize further the Commission's administrative operations, the Finance and Administration Section has created an exiting program for employees leaving ELEC service. He stated that a checklist form will expedite the process for departing employees by clarifying basic exiting activities. According to Executive Director Herrmann, because the size of the staff has greatly increased, it has become necessary to create more formal mechanisms to administer the agency. The Executive Director thanked Director of Finance and Administration Gary Alpert and his staff for their important work in this area.

Executive Director Herrmann noted sadly that Assistant Review Officer Lindsey Kugel has left the Commission to further her education. He said that we all wish her well in her future teaching career in social studies. The Executive Director added that also leaving the staff was Computer Assistant Brian Tripp, whose temporary position expired.

Executive Director Herrmann reported that on February 15, 2006, Assistant Compliance Officer Nancy Fitzpatrick spoke at a Christine Todd Whitman "Excellence in Public Service" Series Program held at Burlington County College. He said that she gave a general overview of the work of ELEC and gave a demonstration of the Commission's web site.

Executive Director Herrmann advised the Commission that the Compliance Division has placed plain language explanations of the new lobbying laws and the professional political fundraiser law on the web site. He mentioned that user friendly pay-to-play information has also been placed there. According to the Executive Director, a fact sheet and plain language flow chart explain both the pay-to-play

Prohibition Law and the new pay-to-play Disclosure Law. Dr. Herrmann informed the Commission that staff is working with the Department of Community Affairs (DCA) to train local public officials in these new programs. Executive Director Herrmann announced that the Special Programs Section will be responsible for administering ELEC's pay-to-play responsibilities. He said that plain language explanations on the web and other compliance efforts are valuable tools in promoting a wider public and media understanding of the new laws for which ELEC is responsible.

Executive Director Herrmann reported that former ELEC Chair Judge Ralph V. Martin called him to say how much he enjoyed reading White Paper Number 18, Local Campaign Finance: An Analysis of Trends in Communities Large and Small. The Executive Director added that on January 23<sup>rd</sup>, 2006, the Daily Record ran a feature story on the White Paper emphasizing that municipal candidates had doubled their campaign spending over the past decade and spent more to get elected than legislative candidates. According to Executive Director Herrmann, the next day, the Curtis and Kuby show on WABC-Radio in New York City also highlighted the study and that, moreover, the national newsletter, Election Administration Reports, ran a story commenting on the paper too.

Finally, Executive Director Herrmann reported that senior staff has been spending a great deal of time training our new junior staff members. The Executive Director added that although the quality of our new staff is excellent, there is a natural learning curve with which the older staff is dealing. He stated that all of our new personnel are involved with line activities and are progressing well in the development of new skills.

D. Spring Meeting Schedule

- March 21, 2006 (Gubernatorial Public Financing Debate Hearing) at 10:00 a.m. in Trenton; and,
- April 18, 2006 (Gubernatorial Public Financing Hearing on other issues) at 11:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and 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.

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5. Hearing on Proposed New Rules to Implement "Pay-to-Play" Legislation

Chair English announced that a public hearing was being conducted to elicit public comment on proposed new rules to implement recently-enacted "pay-to-play" legislation that is intended to restrict contributions by business entities involved in public contracts. Testimony was received from Gary Mundy, Esq., Legal Counsel, Township of Dover.

A Court Reporter was present to record the Public Session discussion. The transcript will be available for inspection to the public upon request.

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission adjourned the public hearing.

6. Adjournment

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz