



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH
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Vice Chair

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JEFFREY M. BRINDLE
Deputy Director

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Legal Director

EVELYN FORD
Compliance Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

July 17, 2006

All of the Commissioners and Counsel Wyse participated by telephone. Senior Staff were present.

1. Open Public Meetings Statement

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., 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.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission instructed staff to attach to the public session minutes for this meeting Executive Orders 17 and 19, closing and opening State government. The motion also requested Executive Director Herrmann to attach e-mail correspondence with the Governor's Office regarding closing of the Commission's offices during the shutdown.

2. Approval of Public Session Minutes of June 20, 2006

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission approved the Public Session Minutes of June 20, 2006.

3. Executive Director's Report

A. Fiscal Year 2007 Budget

Executive Director Herrmann reported that the Election Law Enforcement Commission (ELEC) has received a continuation budget of \$5.03M. He said that the Commission's salary account was cut by \$110,000 and the non-salary accounts by \$9,000. The Executive Director stated that the total cut of \$119,000 represents 2.3 percent of the ELEC budget. According to Executive Director Herrmann, two vacant positions have been lost, reducing ELEC's position count from 90 to 88. He added that

in light of the State's overall financial condition, ELEC has done well to maintain its fiscal resources.

B. Flood-Related and Budgetary Shutdown

Executive Director Herrmann advised the Commission that due to the flooding of the Delaware River, the State of New Jersey closed down on June 29th and June 30th, 2006. He noted that on Saturday July 1, 2006, Governor Jon S. Corzine had to shut down all nonessential State services because of the lack of a State budget agreement by the constitutional deadline. The Executive Director indicated that the State remained closed for most State employees including those at ELEC until July 10, 2006. Executive Director Herrmann informed the Commission that in response to a request from the Governor's staff on June 23, 2006, he informed the administration that "since it is not a gubernatorial or legislative election year and the next election does not occur until November, none of the activities of ELEC should be deemed essential during a 'temporary' shutdown over the next few weeks." He said that on June 27, 2006, the Director of the Governor's Authorities Unit called him to thank him for his response and to concur with it.

The Executive Director advised the Commission that during the shutdown, the senior staff did an outstanding job in securing the Agency. Executive Director Herrmann reported that Deputy Director Brindle and Senior Fiscal Officer Elaine Salit obtained pay checks for staff persons without automatic deposit and made sure they were paid for the flood days.

The Executive Director mentioned that Director of Finance and Administration Gary Alpert worked with the Administration to leave a "closed" message on ELEC's main telephone number and individual staff member voicemails.

Executive Director Herrmann informed the Commission that Director of Information Technology Carol Neiman protected the computer system to make sure potential electrical surges did not damage hardware.

He indicated that upon the staff's return on July 10, 2006, a special Directors' meeting reviewed all outstanding work assignments and provided an orderly transition back to work.

Executive Director Herrmann noted that it was a difficult period in which all members of the staff rose to the occasion assuring the minimum amount of inconvenience to the public, filers, and the media.

C. Staff Activities

The Executive Director announced that Director of Finance and Administration Alpert has started an employee newsletter, which is distributed with the pay checks. It updates the staff on various human resource issues.

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Executive Director Herrmann added that the Compliance Division has formally trained 491 treasurers pursuant to P.L. 2004, c.22. He reported that the number of lobbyists has increased by 44 percent over the past half year climbing from 613 to 885 registered agents.

D. Computer News

Executive Director Herrmann advised the Commission that in response to an excellent suggestion by Ingrid Reed of the Eagleton Institute, staff has added links to the pay-to-play websites of the departments of Treasury and Community Affairs on ELEC's new pay-to-play page. He said that these links are in addition to those that appear on the "other sites of interest" page and that having these links in both places assures easier public and media access to important pay-to-play information.

E. Recent U.S. Supreme Court Decision in Randall vs. Sorrell

Executive Director Herrmann informed the Commission that the United States Supreme Court ruled on June 26, 2006 in Randall vs. Sorrell that Vermont's campaign contribution and spending limits are unconstitutional and improperly hinder the ability of candidates to raise money and speak to voters.

According to the Executive Director, the 1997 Vermont Law at issue among other things placed contribution limits of \$200 per election on legislative races for the Lower House and a spending cap of \$300,000 on gubernatorial candidates who did not receive public financing. Executive Director Herrmann said that Justice Stephen Bryer said such restrictions "impose burdens upon first amendment interests that . . . are disproportionately severe."

F. Fall Meeting Schedule

- August 15, 2006 at 2:00 p.m. by telephone;
- September 19, 2006 at 11:00 a.m. in Trenton;
- October 17, 2006 at 11:00 a.m. in Trenton; and,
- November 21, 2006 at 11:00 a.m. in Trenton.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission approved the report by the Executive Director.

Chair English congratulated staff for a job well done during the shutdown. The Commission concurred.

The Commission expressed its congratulations to Vice Chair Tober upon the birth of his son.

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4. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to review the Executive Session minutes for June 20, 2006.

5. Adjournment

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission voted to adjourn at 11:45 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz

Attachments

Memorandum from A. Matthew Boxer, Governor's Authorities Unit
E-mail to Matthew Boxer, Stuart Rabner, and Maggie Moran
Executive Order No. 17
Executive Order No. 19