



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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Chair

PETER J. TOBER  
Vice Chair

ALBERT BURSTEIN  
Commissioner

AMOS C. SAUNDERS  
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### PUBLIC SESSION MINUTES

August 31, 2009

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, and Legal Counsel Wyse participated by telephone. Executive Director Brindle, Legal Director Hoekje, and Director of Special Programs Amy Davis were present.

The meeting convened at 2:00 p.m. in Trenton.

#### 1. Open Public Meetings Statement

Chair English called the meeting to order, and Executive Director Brindle 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 August 31, 2009, at 2:00 P.M., at the Commission's offices, and was distributed at approximately 10:00 A.M. on August 27, 2009, 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 Brindle said that the Commission believes that it is in the public interest to act expeditiously upon an urgent matter of importance and of concern to the public interest about the dates of the 2009 general election gubernatorial debates and the 2009 general election lieutenant gubernatorial debate. The special meeting will be limited to discussion of and action with respect to such matters of importance.

#### 2. 2009 General Election Gubernatorial Debates and the 2009 General Election Lieutenant Gubernatorial Debate

A court reporter was available to record the proceedings.

A discussion of a request from NJN-Public Television & Radio (NJN) to change the date of the gubernatorial debate which it is co-sponsoring from October 1, 2009 to October 22, 2009.

At the July 21, 2009 meeting of the Commission, NJN was selected by the Commission to sponsor one of its publicly-financed gubernatorial debates.

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As part of its application, NJN provided eight possible dates for conducting said debate. Among those dates was October 1, 2009 and October 22, 2009.

In subsequent discussions with staff, NJN indicated that following discussions with the two other sponsors (Leadership New Jersey and William Paterson University) it would hold its debate on October 1, 2009. Moreover, Leadership New Jersey would hold the lieutenant gubernatorial debate on October 8, 2009 and William Paterson University would hold the second gubernatorial debate on October 16, 2009. By law, the lieutenant gubernatorial debate is required to be the middle debate.

Subsequently, on August 24, 2009, Michael Aron from NJN submitted a request to change the aforementioned agreed upon debate to Thursday, October 22, at 8:00 p.m. rather than October 1, 2009. NJN had indicated that it was making said request in order to include Governor Jon S. Corzine along with candidates Christopher Christie and Christopher Daggett in the public financing debate. NJN also requested a change in the debate format plan to eliminate the 15 minute segment of the debate for candidates to ask each other questions. Instead, the format would be changed to include more taped questions. The request was made pursuant to N.J.A.C. 19:25-15.52A Notification to Commission of change of debate plans.

If the change of date request were to be approved, the lieutenant governor debate date would require changing in order to conform with the statutory requirement that the lieutenant governor debate be the middle debate.

As a result of the NJN's request, a special meeting of the Commission was scheduled for August 31, 2009.

The special meeting of the Commission was well attended by the public. Testifying before the Commission on the issue were:

- State Senator William Baroni; 14<sup>th</sup> Legislative District;
- Edward Rodgers, Public Affairs Producer, NJN-Public Television & Radio;
- Jim Hooker, Senior Anchor, NJN-Public Television & Radio;
- Thomas Dallessio, Executive Director, Leadership New Jersey;
- Richard Crooker, Attorney for Chris Daggett and Frank Esposito Campaign;
- William Stepien, Campaign Manager, Chris Christie and Kim Guadagno Campaign;
- Patrick Dedeo, William Paterson University; and,
- Patrick Murray, Director of the Monmouth University Polling Institute.

Following questions and comments by the Commissioners, Chair English entertained two motions. They are as follows:

Commissioner Burstein moved that the Commission approve the debate change of date by NJN to October 22, 2009. The motion was seconded by Chair English. Chair English and Commissioner Burstein voted in favor and Vice Chair Tober and Commissioner Saunders voted to oppose the motion. Thus, the vote was tied at 2-2.

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On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission approved a requested change in the debate format.

In order to further discuss the request for a change in date, the Commission determined to meet in an emergency session on Wednesday, September 2, 2009 at 1:00 p.m.

3. Resolution to go into Executive Session

On a motion by Chair English, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss allegations of possible violations of the New Jersey Campaign Contributions and Expenditures Reporting Act, which allegations will not become public in order to maintain the integrity of investigative procedures and priorities and to protect the identity of informants. However, any complaint which may be generated by the Commission as a result of this report will become public not later than seven business days after the mailing to the named respondents.

4. Adjournment

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission voted to adjourn at 4:50 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz