
PRESS ADVISORY - August 10, 2005

Executive Director Frederick M. Herrmann announced today that the New Jersey Election Law Enforcement Commission is reproposing amendments to its regulations and new rules to implement recently-enacted legislation that made significant changes to the scope and reporting of lobbying activity. Executive Director Herrmann explained that as a result of testimony on the original proposal, offered at public hearings conducted on February 15 and March 15, 2005, and the numerous written comments received, the Commission determined that the new rules and amendments as originally proposed require significant changes to address issues raised by the commenter's. To implement the provisions of the new lobbying laws, the Commission therefore repropose the new rules and amendments to its regulations, originally proposed at 37 N.J.R. 224(a), with modification as discussed below.

The statutory changes to the scope and reporting of lobbying activity and the reproposal contain the following provisions: including "governmental processes" as reportable lobbying activity; changing the term "legislative agent" to "governmental affairs agent"; prohibiting contingent fee lobbying; prohibiting lobbying by the Governor, legislators, and heads of principal departments in the Executive Branch for one year after leaving office; prohibiting gifts of more than \$250 per year from a lobbyist or governmental affairs agent to a legislator or legislative staff or to an officer or staff member of the Executive Branch; requiring reporting of "grassroots" lobbying activity; requiring random audits of the records of governmental affairs agents; and, imposing additional fees upon governmental affairs agents.

Additionally, Executive Director Herrmann stated that the Commission modified the original proposal to: include a representative list of routine activities undertaken with staff members of State government that are exempt from reporting as lobbying activity; exempt from reporting as lobbying activity the participation by an individual in certain task forces, advisory boards, or working groups; propose that costs related to a communication providing technical or expert advice by an expert or employee, other than a governmental affairs agent, when the communication is made in the company of a governmental affairs agent, are costs reportable as "support personnel"; create a rebuttable presumption that a contact by a governmental affairs agent with certain "high level" State officials is a lobbying contact; clarify that certain activity by an attorney in representing a client is not within the scope of lobbying; exempt the details of a trade secret from disclosure on quarterly lobbying reports; define "communication with the general public" to exclude an organization's communications made only to its members; defining the term "member"; and, exclude from reporting as lobbying activity notices required by government contracts that are placed in newspapers or other media by a charitable organization.

The proposed amendments appeared in the New Jersey Register on August 1, 2005, 2005, and are currently available on the Commission's website at www.elec.state.nj.us. Copies of the Commission's proposals may also be obtained by calling the Commission at (609) 292-8700.

The Commission will conduct a hearings to elicit public comment concerning the reproposal on **Tuesday, September 20, 2005** at 11:15 a.m. at:

Election Law Enforcement Commission
Edward J. Farrell Memorial Conference Room
28 West State Street, 12TH Floor
Trenton, New Jersey