



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RALPH V. MARTIN
Chair

OWEN V. McNANY, III
Vice Chair

DAVID LINETT
Commissioner

WILLIAM H. ELDRIDGE
Commissioner

Respond to:

CN-185

Trenton, New Jersey 08625-0185

(609) 292-8700

FREDERICK M. HERRMANN, Ph.D.
Executive Director

JEFFREY M. BRINDLE
Deputy Director

GREGORY E. NAGY
Legal Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

JUNE 11, 1996

The Commissioners, Senior Staff, Howard Shaw, Esq. substituting for James P. Wyse, Esq., Counsel, and Deputy Legal Director Nedda Gold Massar were present.

Chair Martin called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., special 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 10:10 a.m. in Trenton, New Jersey.

On a motion by Vice Chair McNany, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission voted to go into Executive Session for the purpose of discussing pending litigation to which the Commission is a party.

2. Return to Public Session

On a motion by Vice Chair McNany, seconded by Commissioner Eldridge and passed by a vote of 4-0, the Commission voted to return to public session.

3. Approval of Public Session Minutes of May 7, 1996

On a motion by Vice Chair McNany, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission approved the Public Session Minutes of May 7, 1996.

4. Executive Director's Report

A. Staff Activities

Executive Director Herrmann announced that the Commission has hired two new staff members. He introduced Linda White, the new Compliance Officer, and Ivy Bartuswicz, Secretary.

Executive Director Herrmann reported that ELEC now has 31 employees. He said that three clerical positions remain vacant and will be filled early in the next fiscal year.

Executive Director Herrmann noted that on May 15, 1996, he appeared in a segment of Cable Television Network's (CTN) New Jersey Talks show about the lobbying process in New Jersey.

The Executive Director added that on May 16, 1996, Systems Administrator Carol Neiman attended a one-day Internet seminar in Philadelphia.

Executive Director Herrmann reported that on May 20, 1996, he met with the most recent class of College Leadership New Jersey to discuss the role of ELEC. He said that a number of students expressed an interest in internships that staff is pursuing.

Executive Director Herrmann advised the Commission that on May 23, 1996, Legal Director Gregory E. Nagy and he attended a Political Finance Forum in Washington, D.C. about campaign finance reform initiatives for the 90's.

The Executive Director announced that during the week of July 1, 1996, staff will be reorganizing office space on the 12th and 13th floors. He said that the shift in work stations will provide the media and public with a vastly expanded public room.

B. Legislative Developments

Executive Director Herrmann mentioned that on May 10, 1996, S-611 (Bubba), a bill which prohibits deliberately false political advertising, was unanimously released from the Senate State Government Committee. He noted that the bill was amended to provide criminal instead of civil penalties. According to the Executive Director, A-1118 (Lance), which requires that lobbyists notify public officials quarterly about benefit passing, was released from the Assembly State Government Committee.

Executive Director Herrmann said that the bill was amended to provide for annual instead of quarterly notification. According to the Executive Director, ELEC's staff provided the Legislature with technical assistance on both bills.

C. Summer Meeting Schedule

Executive Director Herrmann said that the next meeting of the Commission is scheduled for July 16, 1996 at 9:00 a.m. in Trenton. He noted that the Northeastern Regional Conference on Lobbying (NORCOL) meeting was scheduled for 12:30 p.m. at the Princeton Marriott on that same day. He invited the Commissioners to attend. The August meeting is scheduled for the 20th at 10:00 a.m. in Trenton.

5. Public Hearings

Public hearings were held regarding the Commission's proposed regulations to implement political identification requirements and the proposed regulations concerning public financing of Primary elections for Governor.

A court reporter was present who recorded the proceedings. A transcript of the hearings will be made available to the public.

Mr. Thomas Fuscaldo offered testimony concerning the primary election public financing regulations. He stated that taxes should not be used to pay for any political campaign.

6. Public Comments

Chair Martin recognized Mr. Lewis DeMarco of Hammonton for comments.

Mr. DeMarco identified himself as a former Councilman and Mayor of Hammonton. He said that he was appearing before the Commission to discuss a complaint he had submitted to the Commission regarding alleged activities by the Hammonton Republican Club. He said that though he is a Republican, he is disturbed about the amount of money flowing in campaigns and between organizations, and the lack of reporting by certain entities.

Mr. DeMarco said that it appears that the Commission's main concern is to have the forms filed in a timely manner. He said that he believes that a priority concern of the Commission should be the amount of cash that is flowing in and out of campaigns. He said that money in campaigns should be limited and that all of these secondary organizations that spend money should be outlawed.

Mr. DeMarco said that the main problem is that groups and campaigns are not reporting all of the money they spend. He said that ELEC should make complaints public.

Mr. DeMarco said that in relation to his complaint, he is concerned about the fact that the Commission has not taken any action. He said that it has been quite some time since he submitted the complaint.

Executive Director Herrmann urged Mr. DeMarco to be patient. He said that the Commission has not necessarily concluded anything in the complaint brought by Mr. DeMarco. Moreover, he mentioned that ELEC does have a procedure for making all complaints and final decisions public.

Chair Martin said that it often takes a long time to complete investigations.

Commissioner Eldridge said that investigations sometimes take a while because the Commission has many on-going investigations being pursued simultaneously by a limited number of staff.

Executive Director Herrmann said that investigations do take time. He assured Mr. DeMarco that he will be contacted regarding his complaint as soon as it is ripe.

Vice Chair McNany said that the entity complained about was found not guilty, but that during the course of the investigation, staff discovered other organizations that are in possible violation.

Mr. DeMarco thanked the Commission for its response to his comments.

7. Return to Public Hearings

The Chair called for public comment concerning the proposed regulations to implement political identification requirements. No persons testified.

On a motion by Vice Chair McNany, seconded by Commissioner Eldridge and passed by a vote of 4-0, the Commission voted to close the hearing on the proposed political identification regulations.

Chair Martin called for additional testimony concerning the proposed public financing regulations. Mr. Jerry T. Grant testified that the regulations do not provide for participation in the gubernatorial debate process by independent candidates and that a majority of New Jersey voters are therefore excluded from the process. Mr. Grant indicated that N.J.A.C. 19:25-16.42(b) unfairly specifies that gubernatorial debate sponsors only consult with the chairpersons of the Republican and Democratic State Committees, to the exclusion of independent candidates. No other persons offered testimony.

On a motion by Commissioner Eldridge, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission voted to close the hearing on the proposed primary election public financing regulations.

8. Resolution to Go Into Executive Session

On a motion by Vice Chair McNany, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission resolved to go into closed Executive Session to discuss the following matters which will become public as follows:

1. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public no later than 35 days after mailing.
2. 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 no later than 50 days after mailing.

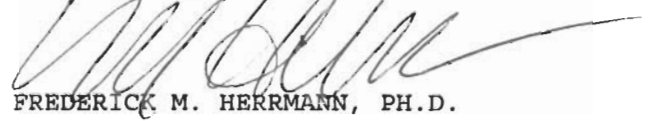
9. Return to Public Session:

On a motion by Commissioner Eldridge, seconded by Vice Chair McNany and passed by a vote of 4-0, the Commission voted to return to public session.

10. Adjournment

On a motion by Commissioner Linett, seconded by Vice Chair McNany and passed by a vote of 3-0, the Commission voted to adjourn at 12:00 p.m. Chair Martin had left the meeting prior to its adjournment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. M. Herrmann', written over a light gray rectangular background.

FREDERICK M. HERRMANN, PH.D.

FMH/elz