



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

September 13, 1999

Chair Martin, Commissioner Franzese, Commissioner Ware, Counsel Wyse, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present. Vice Chair Linett was not present.

1. Open Public Meetings Statement

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., 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.

2. Approval of Public Session Minutes of July 21, 1999

On a motion by Commissioner Franzese, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission approved the Public Session Minutes of July 21, 1999.

3. Executive Director's Report

A. Commissioner News

Executive Director Herrmann noted sadly that Judge Stanley G. Bedford passed away on August 1st. The Executive Director said that Judge Bedford was the fourth Chair of the Commission, serving from 1987 to 1990 as Chair. Executive Director Herrmann said that he remained on the Commission as a member until 1993. According to Executive Director Herrmann, the Judge will be remembered at ELEC for his kindness, generosity, and good humor. Executive Director Herrmann reminisced that Judge Bedford's dedication to the Commission was exemplified by a meeting in which he participated on the telephone from his hospital bed while recovering from a heart attack. He said that Judge Bedford was a caring and considerate man of whom all

the Commissioners and staff who served with him will long remember with the fondest of thoughts.

B. Staff Activities

Executive Director Herrmann announced that Assistant Review Officer Harry Ravenel left in August for a new position in the Department of Human Services. According to Director Herrmann, he was the last member of the Public Financing staff from 1997 to leave ELEC. The Executive Director advised the Commission that Mr. Ravenel did an excellent job in the Public Financing Program and later as an investigator. He said that all at ELEC wish him well in his future career.

Executive Director Herrmann informed the Commission that his remarks at the November, 1998 conference entitled, "From the Ground Up: Local Lessons for National Reform" sponsored by the New York City Campaign Finance Board will be published in an upcoming issue of the Fordham University Urban Law Journal.

On August 9, 1999, Deputy Director Brindle met with a delegation from Mozambique that came to the U.S. on a two-week tour to observe the political and campaign process. The trip was sponsored by the National Democratic Institute for International Affairs. The Executive Director mentioned that Deputy Director Brindle discussed New Jersey campaign financing law and the structuring of the Commission. He said that the Deputy Director also provided the delegation with various ELEC publications. Executive Director Herrmann added that Director of Systems Administration Carol Neiman conducted a computer demonstration for the visitors.

Executive Director Herrmann said that on August 10, 1999, Legal Director Nagy and he participated in the 12th Annual Norcol Conference held in conjunction with the Council of State Government-Eastern Regional Conference held in Burlington, Vermont. He stated that Vermont's Treasurer Jim Douglas made a presentation on the wisdom of regulating lobbying by governmental agencies. The Executive Director said that he reported on lobbying developments in New Jersey over the past year and handed out a publication he wrote describing the administration and regulation of statewide lobbying activities.

Executive Director Herrmann noted that on September 13 and September 30, 1999, Director of Compliance and Information Evelyn Ford and her staff will be conducting general election information seminars in Trenton. He said that the first one will be videotaped for use by candidates and treasurers in ELEC's public room, at home, or during public meetings. He also mentioned that two summer seminars were held by request in Howell Township and in Essex County for local Democrats.

Executive Director Herrmann advised the Commission that Deputy Director Brindle has completed ELEC's 13th White Paper in a series that dates back to 1988 and has received international recognition. He said that this most recent volume is a comprehensive study of trends in legislative campaign financing over the past two decades.

Chair Martin said that all at ELEC should be proud of the research efforts made through the years. He said that white papers such as the present one have given the Commission an international reputation.

C. Fall Meeting Schedule

October 20, 1999 at 10:00 a.m. in Trenton
November 17, 1999 at 11:00 a.m. at Seton Hall Law School
December 15, 1999

NOTE: COGEL conference is from December 5-8 in Providence, RI.

4. Advisory Opinion Request No. 03-1999

In this Advisory Opinion Request, Assemblyman Alex DeCroce (26th District) has asked whether or not his candidate committee may use campaign funds to pay part of the expenses of purchasing and installing a security system in his personal residence. Assemblyman DeCroce was represented in this request by David B. Bacon, Chief Counsel to the Republican Majority Office. Mr. Bacon submitted a Brief and Certification in support of the request. Assemblyman DeCroce indicated that the demands of his elected office require frequent evening and weekend absences from his home, leaving his spouse alone. He noted that his home address is easily accessible, and he frequently has important legislative documents in his residence. He stated his legislative office has received verbal and written threats, and he is concerned about the safety of his family. Assemblyman DeCroce proposes installing a "high end security system" in his residence that would be paid for in equal shares by his campaign fund, his business, and his personal finances, reflecting the three main functions in his life.

The Commission asked Mr. Bacon to specify the nature of the threats.

Mr. Bacon, in paraphrasing, stated that they were in the nature of "if you take this position on a bill, watch your (and your family's) back."

Chair Martin asked: when will the threatening letters be available? He said it would be helpful to get the facts.

Mr. Bacon commented that he has contacted the Morris County Prosecutor in an attempt to obtain copies of the threatening letters. He said that unfortunately the Assemblyman's staff sent the original letters to the Prosecutor. He said he would attempt to get the letters and/or have Assemblyman DeCroce's staff testify or provide affidavits.

Chair Martin stated that Commission advisory opinions are fact specific. Therefore it is important to have more specific information before responding.

Commissioner Franzese asked if the expense could be considered "ordinary and necessary" expenditures of officeholding in light of extraordinary circumstances?

Mr. Bacon reiterated that it arose from his legislative duties solely.

Commissioner Franzese said that she was concerned about the issue of “unjust enrichment.” What happens if an officeholder who uses campaign funds for this purpose sells his or her home? Does the security equipment increase the value of his house?

Mr. Bacon agreed to an extension on this request to the date of the next Commission meeting, October 20, 1999, so that he could expand upon the fact record.

5. Resolution to Go Into Executive Session

On a motion by Commissioner Franzese, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission resolved to go into closed Executive Session to discuss 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 no later than 35 days after mailing.
- 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 no later than 50 days after mailing.

6. Adjournment

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 3-0, the Commission voted to adjourn at 12:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz