



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

RALPH V. MARTIN  
Chair  
PAULA A. FRANZESE  
Vice Chair  
LYNNAN B. WARE  
Commissioner

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FREDERICK M. HERRMANN, Ph.D.  
Executive Director  
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Deputy Director  
GREGORY E. NAGY  
Legal Director  
JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

May 15, 2000

Chair Martin, Commissioner Franzese, Commissioner Ware, Counsel Wyse, Senior Staff, and Deputy Legal Director Nedda Gold Massar were 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, New Jersey.

#### 2. Approval of Public Session Minutes of April 17, 2000

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 April 17, 2000.

#### 3. Executive Director's Report

##### A. Electronic Disclosure

Executive Director Herrmann reported that ELEC's electronic disclosure vendor, Automated Concepts Inc. (ACI) will be highlighting the Commission's web site at a New Jersey trade show to be held at the Garden State Exhibit Center on June 7<sup>th</sup> and 8<sup>th</sup>. He said that it is anticipated that Governor Whitman will be attending the show.

B. Staff Activities

According to Executive Director Herrmann, he has been working on a plan to have Public Integrity add the Council on Governmental Ethics Laws (COGEL) to its list of co-sponsors. The Executive Director suggested that the Quarterly Journal on Governmental Ethics would benefit from adding needed subscribers and having access to COGEL members' expertise in the law concerning elections, campaign financing, lobbying, conflicts of interest, and open public records. Executive Director Herrmann noted that COGEL would benefit from having a mechanism to reach a much larger audience. According to the Executive Director, Public Integrity would also become a regular vendor at COGEL conferences and would publish the Blue Book annually. Executive Director Herrmann informed the Commission that the Blue Book was a COGEL publication that compiled governmental ethics information from across the United States and Canada. The Executive Director said that he has been acting as a liaison between COGEL and Public Integrity. Executive Director Herrmann advised the Commission that after speaking with the COGEL President and publication committee members, he was directed to ask the COGEL administrator to contact the Public Integrity Executive Editor to begin discussions based on his proposals.

C. Budget

Executive Director Herrmann reported that on April 19<sup>th</sup> and May 9, 2000, Deputy Director Jeffrey M. Brindle, Deputy Legal Director Nedda Gold Massar, Director of Systems Administration Carol Neiman, Director of Administration Barbra Fasanella, and he attended the Senate and Assembly Budget hearings. The Executive Director mentioned that ELEC had received in advance two written Office of Legislative Services Budget Questions, which were answered before the hearings. The first question dealt with how the nine new computer positions would be used. He said that staff responded that the positions would be used to maintain, upgrade, and enhance the system. According to the Executive Director, they would specifically be used for:

- Technical support of the staff;
- Technical support of candidates filing electronically;
- Technical support of the public, campaigns, and media using the web site; and
- Informational support of the public, campaigns, and media using the web site.

Executive Director Herrmann informed the Commission that the second question was about how much money was needed to fund the Gubernatorial Public Financing Program. The Executive Director said that staff explained how the request was formulated using the experience of previous elections. Executive Director Herrmann noted that Senator Peter A. Inverso asked him during the Senate hearing about web site usage. Executive Director Herrmann said that he responded by noting that in March there were 3,473 hits, averaging 112 per day. He suggested that compared with the public room use a day, these were impressive statistics to cite.

At this point, Executive Director Herrmann gave special thanks to Director of Administration Fasanella for all of her excellent work this year during the budget process.

D. Summer Meeting Schedule

- June 22, 2000 at 11:00 a.m. in Trenton
- July 17, 2000 at 11:00 a.m. in Trenton
- August 21, 2000 at 11:00 a.m. in Trenton (if needed)
- September 18, 2000 at 11:00 a.m. in Trenton

4. Public Hearing on Proposed “Sunset” Amendments to Commission Regulations

A public hearing on the proposed “Sunset” amendments to the regulations began. Two individuals, Mark Edgerton, a 2001 gubernatorial candidate and Leonard Flynn, Vice Chair of the New Jersey Libertarian Party, testified at the hearing. Written comments were received from Cleta Mitchell, Esq., recommending an additional amendment to the public financing provisions of the regulations. Ms. Mitchell suggested that the definition of “signature” in the public financing rules be modified to include either the actual manual signature of a credit cardholder, which is currently required, or the full name and card number of the donor cardholder. This change would permit contributions made by credit card over the Internet to be matched with public funds without the requirement to obtain the actual signature of the credit cardholder.

A Court Reporter was present to record the hearing. The transcript of the hearing will be made available to the public.

On a motion by Commissioner Franzese, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission voted to close the public hearing.

5. Advisory Opinion Request No. 02-2000

A request for an advisory opinion has been submitted by Cleta Mitchell, Esq., on behalf of eContributor.com, Inc. The question asked involves whether or not this company can provide internet contribution collection services to New Jersey candidates and committees. The Commission will hear the request at its June 22<sup>nd</sup> meeting.

6. Resolution to go into Executive Session

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss the following matters which will become public as follows:

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- 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.

7. Return to Public Session

On a motion by Commissioner Ware, seconded by Chair Martin and passed by a vote of 2-0, Commissioner Franzese was appointed Vice Chair of the Commission.

Adjournment

On a motion by Vice Chair Franzese, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz