



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

RALPH V. MARTIN
Chair

PAULA A. FRANZESE
Vice Chair

LYNNAN B. WARE
Commissioner

SUSAN S. LEDERMAN, Ph.D.
Commissioner

Respond to:
P.O. Box 185
Trenton, New Jersey 08625-0185

(609) 292-8700

Web site: <http://www.elec.state.nj.us/>

FREDERICK M. HERRMANN, Ph.D.
Executive Director

JEFFREY M. BRINDLE
Deputy Director

GREGORY E. NAGY
Legal Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

May 23, 2001

All of the Commissioners, 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 18, 2001 and April 27, 2001

On a motion by Vice Chair Franzese, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission approved the Public Session Minutes of April 18, 2001 and April 27, 2001.

A Court Reporter was present to record the Public Session discussion. The transcript will be available to the public upon request.

3. Executive Director's Report

A. Staff Activities

Executive Director Herrmann introduced a new staff person, Nancy Fitzpatrick who joined the Commission on April 23, 2001, as an Assistant Compliance Officer. The Executive Director reported that Bruce Darvos was hired to work as an intern this summer. His main project will be studying the financing of school board elections. Mr. Darvos is a student at the College of New Jersey and took Deputy Director Brindle's political science courses.

Executive Director Herrmann mentioned that M.E. Sharpe is reviewing the possible publication of the Campaign Finance Symposium edited by him in Public Integrity. The material under consideration includes articles by Deputy Director Brindle and him as well as a case law summary by Legal Director Nagy and Associate Legal Director Gail Shanker. The Executive Director stated that under state ethics rules staff would not be accepting any compensation.

B. COGEL News

Executive Director Herrmann reported that on May 1st, 2001, he participated in an international telephone conference call of the Council on Governmental Ethics Laws (COGEL) Awards Committee to nominate winners for the COGEL Award and the COGEL Outstanding Service Award. The Executive Director mentioned that the committee nominated Michigan's Senior U.S. Senator Carl Levin for the COGEL Award; Pennsylvania Ethics Commission Executive Director John Contino, a former COGEL President, was nominated for the Outstanding Service Award; and, Kay Williams, a retiring Executive Director of the Iowa Ethics and Campaign Disclosure Board, was nominated to receive an Honorary Lifetime Membership.

C. Computer Update

Executive Director Herrmann mentioned that Assistant Director of Systems Administration Kim Vandegrift has created an ELEC "Intranet" site. It is an in-house employee information source that will greatly improve staff communications. The site includes such information as: staff phone numbers, time-off calendars, intra-office memos, and various personnel forms. According to Executive Director Herrmann it is an innovative use of our computer technology.

Executive Director Herrmann said that Associate Review Officer Brett Mead recommended that the Commission add a link to the Office of Administrative Law on our website. Such a connection will prove to be useful for ELEC litigants needing to understand the enforcement process.

The Executive Director announced that ELEC's home page was selected by New Jersey Lawyer as its editor's choice for "Winning Website" in its April issue.

D. Legislative Developments

The Executive Director informed the Commission that on May 8 and May 9, 2001, the Assembly and Senate Budget Committees respectively held their hearings on the Department of Law and Public Safety's FY-2002 budget. The Executive Director reported that Deputy Director Brindle, Deputy Legal Director Massar, Director of Administration Barbra Fasanella, and he attended on both days. Executive Director Herrmann advised the Commission that ELEC received one written question from the Office of Legislative Services about the adequacy of the funding for the primary and general election public financing programs and the status of the income-tax check-off that supports them. The Executive

Director said that staff responded that due to the new extended primary law another \$4.2 million is needed for that election and \$11.2 million will be needed for the general election. The Executive Director further said that any shortfall in available funds would be covered by the general treasury. Staff also pointed out that over the past half-decade the check-off amounts raised have been declining and ELEC has consequently recommended that the check-off amount be increased to reverse this trend. The Executive Director said that he received one oral question from Assemblywoman Barbra Buono about the source of additional funding for the primary election gubernatorial candidates. He reiterated that money would be coming from the general treasury.

E. Summer Meeting Schedule

June 21, 2001, at 1:30 p.m.

July 11, 2001, at 11:00 a.m.

August 15, 2001, at 11:00 a.m. (if necessary)

4. Petition for Emergency Rulemaking

On a motion by Vice Chair Franzese, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted the Petition for Emergency Rulemaking be denied.

5. Schundler Request for Expedited Public Funds for Submission No. 1

On a motion by Commissioner Lederman, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted to deny the request by Candidate Bret Schundler to provide 50% of Submission No. 1 public funds to his campaign prior to complete review of the submission.

6. Gubernatorial Public Financing Percentage Certification Process

On a motion by Commissioner Ware, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission authorized use of the percentage certification process for distribution of public funds in the 2001 primary election as set forth in the May 15, 2001 memorandum from staff.

7. Report on 2001 Gubernatorial Primary Election Matching Fund Submissions

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission approved participation of 2001 primary election gubernatorial candidate Robert Franks in the public financing program as set forth in the May 22, 2001 memorandum from staff.

8. Public Comments

9. Resolution to go into Executive Session

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission resolved to go into 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.

10. Return to Public Session

On a motion by Vice Chair Franzese, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted to return to Public Session.

11. Adjournment

On a motion by Commissioner Lederman, seconded by Vice Chair Franzese and passed by a vote of 4-0, the Commission voted to adjourn at 1:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz