



*State of New Jersey*

## ELECTION LAW ENFORCEMENT COMMISSION

RALPH V. MARTIN  
Chair

PAULA A. FRANZESE  
Vice Chair

SUSAN S. LEDERMAN, Ph.D.  
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Executive Director

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Deputy Director

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Legal Director

JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

October 10, 2003

Chair Martin, Vice Chair Franzese, Commissioner Tober, Counsel Wyse, and Senior Staff were present. Commissioner Lederman participated by telephone.

#### 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. at Seton Hall University School of Law in Newark.

#### 2. Approval of Public Session Minutes of September 12 and September 19, 2003

On a motion by Vice Chair Franzese, seconded by Chair Martin and passed by a vote of 2-0, the Commission approved the Public Session Minutes of September 12, 2003. Commissioner Tober did not vote on this item because he had not attended the meeting.

On a motion by Vice Chair Franzese, seconded by Commissioner Tober and passed by a vote of 3-0, the Commission approved the Public Session Minutes of September 19, 2003.

#### 3. Resolution to go into First Executive Session

On a motion by Commissioner Tober, seconded by Vice Chair Franzese and passed by a vote of 3-0, the Commission voted to go into Executive Session for the purpose of discussing a matter of pending litigation.

#### 4. Return To Public Session

On a motion by Vice Chair Franzese, seconded by Commissioner Tober and passed by a vote of 3-0, the Commission voted to return to Public Session.

5. Executive Director's Report

Commissioner Lederman joined the meeting at this point.

A. Computer Developments

Executive Director Herrmann announced that the Compliance and Information staff is running a "pilot program" this fall to test new electronic filing software that includes campaign management tools. According to the Executive Director, treasurers from three legislative districts attended an August seminar to learn how to use the new program.

Executive Director Herrmann reported that a new national campaign disclosure survey found that New Jersey has "one of the best campaign finance disclosure programs in the country." The Executive Director noted that New Jersey ranked 8<sup>th</sup> up from 12<sup>th</sup> in a similar 1999 survey and that the report gave great praise to two white papers that were on the web site. Executive Director Herrmann said that staff is continuing to work on web site improvements so that our next ranking should even be higher.

The Executive Director announced that the Eagleton Institute of Politics' new web page for the fall elections, "New Jersey Voter Information-Legislative Races 2003," contains a link to ELEC's web page.

B. Open Public Records Act (OPRA) Update

Executive Director Herrmann reported that ELEC ranks second among the divisions in the Department of Law and Public Safety in the receipt of OPRA requests. He noted that without any additional resources, the staff has worked hard to keep up. Executive Director Herrmann advised the Commission that Director of Compliance and Information Evelyn Ford is our designated custodian and has done a terrific job as our point person in this important area. He mentioned that at some point in the future, the Commission may have to request more funding to handle properly this essential new task.

C. Council on Governmental Ethics Laws (COGEL) Conference

Executive Director Herrmann informed the Commission that Director of Systems Administration Carol Neiman and he represented ELEC at the 25<sup>th</sup> annual COGEL Conference in Austin, Texas from September 21, to September 24, 2003. He said that among the many speakers and programs were sessions updating campaign finance and lobbying legislation and litigation as well as advances in electronic disclosure systems. He noted also that there were sessions about clean election laws in Arizona, Maine, and Massachusetts and the Bipartisan Campaign Reform Act of 2002 (BCRA).

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According to the Executive Director, there was great interest in the Hudson County case and he spoke about it during the campaign finance update session. Executive Director Herrmann advised the Commission that he also led the “First Timers Session” and a breakfast table topics discussion about how to strengthen ethics agencies. The Executive Director mentioned that ELEC’s first Chair, Frank Reiche, presented a COGEL history at the awards banquet. According to Executive Director Herrmann, he was the founding chair of the organization a quarter of a century ago. Executive Director Herrmann reported that former President Jimmy Carter received this year’s COGEL Award; Nicole Gordon, the Executive Director of the New York City Campaign Finance Board, got the COGEL Service Award; and former Deputy Director Ron Gould of Elections Canada was named an Honorary Lifetime Member.

Executive Director Herrmann announced that Legal Director Massar, Director of Systems Administration Neiman, and he were recognized in the program for service on COGEL’s subcommittees. According to the Executive Director, he served on the Awards and Publications Subcommittees, Legal Director Massar on the Model Laws Subcommittee, and Director of Systems Administration Neiman on the Technology Subcommittee. Executive Director Herrmann said that he nominated Legal Director Massar for the Steering Committee, adding that no one from ELEC has served on it since he did in the late eighties. The Executive Director noted that he placed the Annual Report, White Paper No. 16 “A Resurgent Party System: Repartyization Takes Hold,” the “COGEL Bibliography,” and “Lobbying in New Jersey 2003” in the publications/exhibits area and that all moved quickly. According to Executive Director Herrmann, he also sent various materials he collected including an electronic filing survey and a pacronym index back to the office for our ELEC library and staff use. Finally, the Executive Director said that he was asked by COGEL officials to help recruit New Jersey local government ethics boards for COGEL and to work on the creation of a COGEL archives.

Executive Director Herrmann announced future COGEL conference sites. They are:

- San Francisco – December 5<sup>th</sup> – December 8, 2004;
- Boston – 2005;
- New Orleans – 2006; and,
- Victoria, British Columbia – 2007.

#### D. Staff Activities

Executive Director Herrmann informed the Commission that on October 2<sup>nd</sup>, 2003, Deputy Director Brindle gave a talk about campaign finance at Raritan Valley Community College and that former Senator and gubernatorial candidate Raymond Bateman and current Senator Walter Kavanaugh were in the audience. The Deputy Director has been an adjunct professor at the College for a number of years, said Executive Director Herrmann.

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E. Fall Meeting Schedule

- November 17, 2003, 11:00 a.m. in Trenton, and
- December 17, 2003, 11:00 a.m. in Trenton.

6. Resolution to go into Second Executive Session

On a motion by Commissioner Tober, seconded by Vice Chair Franzese 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 not later than seven business days after mailing to the named respondents.
- 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 not later than seven business days after mailing to the named respondents.
- C. A report on requests from the public for investigations of possible violations, which report will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.

7. Return to Public Session

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

8. Adjournment

On a motion by Vice Chair Franzese, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director