



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH
Chair

PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
Commissioner

THEODORE Z. DAVIS
Commissioner

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Executive Director

JEFFREY M. BRINDLE
Deputy Director

NEDDA G. MASSAR
Legal Director

EVELYN FORD
Compliance Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

May 16, 2006

Vice Chair Tober, Commissioner Burstein, Commissioner Davis, and Senior Staff were present. Chair English was absent. Counsel Wyse participated by telephone.

1. Open Public Meetings Statement

Vice Chair Tober 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 April 18, 2006

On a motion by Commissioner Burstein, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission approved the Public Session Minutes of April 18, 2006.

3. Executive Director's Report

A. Commission News

Executive Director Herrmann offered congratulations to Chair English for being honored by the Executive Women of New Jersey at their annual salute to State policy makers in May. He said that congratulations are also in order for former Vice Chair Paula A. Franzese for being given the Alain Daniels Award by the Center for Civic Responsibility.

According to Executive Director Herrmann, the State Ethics Commission (SEC) has confirmed that all of ELEC's commissioners and directors have filed their Financial Disclosure Statements.

B. Staff Activities

The Executive Director noted that Director of Special Programs Amy Davis has created a pay-to-play power point presentation on ELEC's website. He said that the presentation is designed in a slide show format. The Executive Director mentioned that the user simply advances the presentation from slide to slide by clicking the mouse. He advised the commissioners that this presentation on the website along with a plain language flow chart and a fact sheet are valuable tools for educating the public, media, and filers about the intricacies of the new pay-to-play laws.

Executive Director Herrmann informed the Commission that in April and May, the Finance and Administration Section oversaw the painting of the 13th floor and the delivery of furniture for the new Compliance staff members. He expressed thanks to Director Gary Alpert and his staff for an outstanding and thorough job.

The Executive Director announced that the Compliance staff continued its campaign treasurer and lobbyist training programs. He stated that 431 campaign treasurers have been issued training certificates and that there are now 809 lobbyists.

According to Dr. Herrmann, Compliance Director Evelyn Ford and her staff have been doing an excellent job processing all of the Commission's Open Public Records Act (OPRA) requests in a timely and efficient fashion. Executive Director Herrmann said that ELEC receives the second highest number of requests for such information and materials in the Department of Law and Public Safety.

The Executive Director informed the Commission that Director of Finance and Administration Gary Alpert attended a Budgeting and Human Resources Symposium on April 21st, 2006 at the Trenton Marriott. He noted that many of the attendees commented to him about how pleased and impressed they were with the quality of ELEC's website and that some of them asked for ELEC's assistance in improving their sites.

Executive Director Herrmann mentioned that on May 2nd, 2006, Special Programs Analyst Felice Fava spoke at a public purchasing conference in Atlantic City on pay-to-play compliance. He said that Special Program Analyst Fava has become the Commission's key staff person for the new pay-to-play laws and that he made his presentation along with a representative from the Department of Community Affairs, which has been serving as a resource for local governments in regard to pay-to-play contracting compliance.

The Executive Director reported that on May 4th, 2006, Deputy Director Brindle, Director of Finance and Administration Gary Alpert, and he attended the Senate Budget Hearing on the Department of Law and Public Safety and that on May 11th, 2006, they attended the Assembly Budget Hearing. Executive Director Herrmann stated that ELEC did not receive any written or oral questions this year so it appears that the Governor's recommended budget of \$5M is still on track.

C. Clean Elections Update

Executive Director Herrmann advised the Commission that Legal Director Nedda Massar, Director of Special Programs Amy Davis, and he continued their participation as technical advisors to the Clean Elections Commission at meetings on April 19th and 24th, 2006.

According to Executive Director Herrmann, Director Davis and he attended the Commission's May 8th, 2006 meeting at which its final report was submitted to the Legislature. He said that the proposed program for 2007 includes many improvements over the 2005 pilot, covers the primary as well as the general election, and contains a \$9M appropriation of which \$600,000 is for publicity and \$75,000 for voter guides attached to the sample ballots. Executive Director Herrmann noted that Chairman William E. Schluter's cover letter to the report cited "the assistance and expertise" provided by Legal Director Massar, Director of Special Programs Davis, and he as "instrumental in the Commission's work."

D. Spring/Summer Meeting Schedule

- June 20, 2006 at 11:00 a.m. in Trenton;
- July 18, 2006 at 11:00 a.m. in Trenton; and,
- August 15, 2006 at 11:00 a.m. in Trenton (If needed).

4. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and 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.

Public Session Minutes

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5. Adjournment

On a motion by Commissioner Burstein, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission voted to adjourn at 11:45 a.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz