



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Deputy Director

CAROL L. HOEKJE
Legal Director

EVELYN FORD
Compliance Director

JAMES P. WYSE
Legal Counsel

PUBLIC SESSION MINUTES

October 21, 2008

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, Legal Counsel Wyse, and Senior Staff were present.

1. Open Public Meetings Statement

Chair English 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 September 30, 2008

On a motion by Commissioner Saunders, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission approved the Public Session Minutes of September 30, 2008, with an amendment concerning the preparation of a congratulatory letter upon the retirement of Legal Secretary Ruth Ford.

3. Executive Director's Report

A. Ethics Training for Commissioners

Executive Director Herrmann stated that the Governor's Authorities Unit and the State Ethics Commission are running ethics training sessions in-person and online this month for board and commission members of the State's independent authorities. Dr. Herrmann asked the Commissioners to remember to notify him by November 3, 2008, that they have completed their training so that he can certify its completion to the Authorities Unit.

B. A Website Award for ELEC

The Executive Director announced that last month the National Campaign Disclosure Project released its annual rankings of internet disclosure across the country. He said that ELEC was ranked first in the northeast and tenth in the nation with its second highest score and best grades since the beginning of the grading system in 2003. Executive Director Herrmann indicated that according to the project's report, the Commission "earned an A or B in each of the four scoring categories for the first time, and ranked in the top ten for the second year in a row" placing ELEC on the disclosure honor role. Dr. Herrmann added that the Commission received "an A for its electronic filing program, which is mandatory for [gubernatorial] candidates and legislative candidates who raise or spend over \$100,000."

According to the Executive Director, the report also gave ELEC credit for continuing to offer "an excellent filer training program that includes: an online certification program for campaign treasurers, a dedicated electronic filing help desk, and dozens of classroom trainings throughout the year." Moreover, the report cited the improvement in website accessibility pointing out the Commission had "enhanced its online searchable database of contributions" so that "site visitors can now search transactions by a specific date and transaction amount or by donor name, zip code, or employer." Finally, the report praised the reconfiguration of the website stating that "the new site offers a clean design and is organized into easy-to-navigate sections for both the public and filers. It continues to provide detailed contextual information to help the public understand campaign financing in New Jersey including an excellent series of 'White Papers' that analyze campaign finance trends going back to 1977. Site visitors can also access overviews and charts of campaign finance activity through the most recent reporting period, and the site features a unique tool for customizing lists of candidates by office, district, party affiliation, and election."

The Executive Director thanked Information Technology Director Carol Neiman and her excellent staff for a job very well done. Chair English praised the accomplishments of the Information Technology Section and suggested that a press release be issued acknowledging the award.

C. Pay-to-Play Update

According to Executive Director Herrmann, on September 24, 2008, Governor Jon S. Corzine signed two executive orders that impacted the State's regulation of State level pay-to-play. Dr. Herrmann stated that Executive Order No. 117 expands the ban on campaign contributions from governmental contractors to legislative leadership committees and municipal political party committees supplementing the current ban to gubernatorial candidates, State political party committees and county political party committees. He advised the Commission that this order also expands the ban to contributions from the partners, officers, shareholders, and members of professional service firms supplementing the current ban from interests over ten

percent, subsidiaries, and controlled political action committees. The Executive Director said that Executive Order No. 118 expands the ban on campaign contributions to redevelopment agreements. He added that both orders take effect on November 15, 2008, and do not apply to any prior contribution. He said that it should be noted that the Commission does not have any jurisdiction over these changes for they are the responsibility of the Department of the Treasury.

D. Staff Activities

Executive Director Herrmann reported that on October 8, 2008, Deputy Director Brindle and he attended an executive level training session at the Justice Complex on the State's anti-discrimination policy. Dr. Herrmann mentioned that the program reviewed the rules prohibiting discrimination in the workplace and that it also covered procedures for handling internal complaints. He informed the Commission that Director of Finance and Administration Steve Dodson is ELEC's Affirmative Action Coordinator.

E. Fall Meeting Schedule

- November 18, 2008 at 11:00 a.m. in Trenton; and,
- December 16, 2008 at 11:00 a.m. in Trenton.

Dr. Herrmann told the Commissioners that staff will provide a draft of the 2009 meeting schedule at the next meeting.

4. Adoption of Proposed Amendments to Implement Campaign Cost Adjustments

Legal Director Carol L. Hoekje stated that at its July 15, 2008 meeting, the Commission approved the proposal of amendments to its regulations to implement the statutory quadrennial campaign cost adjustment process for gubernatorial and non-gubernatorial candidates and committees. She said that the amendments were published as two proposals, one for gubernatorial candidates and one for all other candidates and committees, in the New Jersey Register on August 18, 2008. Legal Director Hoekje stated that a public hearing was held on September 30, 2008, at which time no witnesses appeared, and that no comments were received from the public comment period, which expired on September 17, 2008. Legal Director Hoekje stated that the legislative review and written comment periods have expired, and that the proposed amendments are ripe for Commission adoption.

Legal Director Hoekje stated that upon adoption, staff will prepare the adoption notices for filing with the Office of Administrative Law and that it is anticipated that the rules for gubernatorial candidates will become effective upon publication in the New Jersey Register on or about December 1, 2008. The rules applicable to non-gubernatorial candidates and committees will become operative on January 1, 2009.

Chair English asked about the status of the Lieutenant Governor in terms of public financing.

Legal Director Hoekje said that there has been no enabling legislation.

Executive Director Herrmann noted that the Governor's Executive Order extends pay-to-play rules to candidates for the office of Lieutenant Governor. He stated that the Governor and Lieutenant Governor will probably run together as a slate.

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission adopted the Campaign Cost Adjustment Amendments.

5. Resolution to go into Executive Session

On a motion by Commissioner Saunders, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss anticipated litigation, 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.

6. Adjournment

On a motion by Vice Chair Tober, seconded by Commissioner Saunders and passed by a vote of 4-0, the Commission voted to adjourn at 12:50 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director