



# "ROAD TO THE FUTURE"

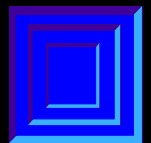
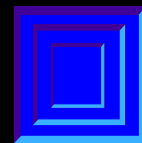
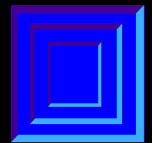
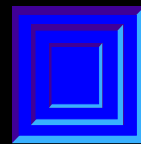
IMPROVING THE

CONVENIENCE AND

USEFULNESS OF ELEC'S

INTERNET SITE"

New Jersey Election  
Law Enforcement  
Commission





*State of New Jersey*

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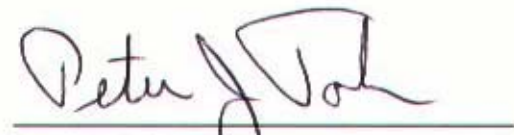
Acting Governor and Senate President Richard J. Codey  
The Members of the Senate  
The Speaker and Members of the General Assembly

The New Jersey Election Law Enforcement Commission (ELEC) formally submits, pursuant to P.L. 2004, c. 31, a report and recommendations concerning its review and evaluation into the “presentation, accessibility, convenience, usefulness and comprehensiveness” of its Internet site and the information contained therein.


Respectfully,




Jerry Fitzgerald English  
Chair



Peter J. Tober  
Vice Chair



Albert Burstein  
Commissioner



Theodore Z. Davis  
Commissioner



## **ACKNOWLEDGEMENT**

The Commission is pleased to present this report to the Governor and the Legislature. ELEC's Deputy Director, Jeffrey M. Brindle, and Director of Systems Administration, Carol Neiman, are co-authors of the report. Executive Director Frederick M. Herrmann was also involved in writing and designing key sections of the study. Their experience and long-term history with the Commission are apparent throughout the document.

Appreciation is also due Legal Director Nedda Gold Massar, who also called upon her years of experience at ELEC to contribute to this study. Word processing and graphics were adroitly done by Administrative Assistant Elbia Zeppetelli, while recent photographs were taken by Assistant Systems Developer Brian Robbins. Thanks to both. Finally, the editing was done by Executive Director Herrmann.

The Commission would also like to express its appreciation to Assemblyman Robert Gordon (D-38) for his sponsorship of Assembly Bill A-9 and his insightful and helpful comments regarding the Commission Internet site during public hearings on his legislation.

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## **TABLE OF CONTENTS**

EXECUTIVE SUMMARY .....	ii
INTRODUCTION .....	1
THE PAST .....	3
RECENT PAST TO PRESENT.....	9
PRESENT TO FUTURE .....	17
FUTURE.....	23
CONCLUSION.....	28
APPENDIX I – A ONE MILLION DOLLAR RECOMMENDATION.....	30
APPENDIX II – THE INTERNET SITE STUDY LAW.....	33
APPENDIX III – INDEX OF KEY DISCLOSURE ENTITIES CITED.....	35
APPENDIX IV – FOR FURTHER READING.....	36



## **EXECUTIVE SUMMARY**

This report is submitted in compliance with the legislative mandate contained in P.L. 2004, c. 31, Assembly Bill Number Nine, which was approved June 16, 2004. Sponsored by Assemblymen Robert Gordon, (D-38), Louis Manzo, (D-31), Peter C. Eagler, (D-34), and John S. Wisniewski, (D-19), it directs the Commission to review and evaluate its Internet site from the perspective of presentation, comprehensiveness, and user-friendliness. As part of this study, the Commission was directed to review the efforts of other states, substantially similar entities, and appropriate not-for-profit organizations.

In reviewing the efforts of others, ELEC staff paid particular attention to the web sites of the: Illinois State Board of Elections, Massachusetts Office of Campaign and Political Finance, Michigan Department of State, Ohio Secretary of State, and Washington Public Disclosure Commission. Another very important resource was “The Campaign Disclosure Project” of the UCLA School of Law, the Center for Governmental Studies, and the California Voter Foundation, which undertook in 2003 a nationwide survey regarding state-level Internet disclosure of money in politics. This survey ranked the overall disclosure efforts of New Jersey eighth in the nation. The critique of ELEC’s web site by the Foundation was very helpful in formulating plans for its improvement.

It must be noted that Assembly Bill Number Nine was an important part of a sweeping package of ethics reform bills initiated by Assembly Speaker Albio Sires and Assembly Majority Leader Joseph J. Roberts, who guided the comprehensive legislation through the General Assembly this spring. Moreover, it must be stated as well that this package was ultimately passed by the Senate as the result of the efforts of Senate President Richard J. Codey, who ushered the reforms through the upper house. Credit must also go to then Governor James E.



## **EXECUTIVE SUMMARY continued**

McGreevey for signing this landmark legislation and the legislative members of both parties in both houses who worked on and supported it. Both partisan and nonpartisan legislative staffs also made major contributions.

While this study contains a history of technological progress made by the Commission through the years as background, the purpose of the report is to provide a key recommendation — pursuant to the directive in A-9 to ask for gubernatorial and legislative assistance — and extensive plans for the further enhancement and improvement of ELEC’s Internet web site. The recommendation and plans include the following:

- **A recommendation for an ongoing appropriation to ELEC’s operating account of an additional one million dollars each year to implement, maintain, and continually improve upon the initiatives that follow and that are elaborated upon in the report;**
- An updated appearance of ELEC’s web site;
- A more user-friendly, accessible, and comprehensive web site;
- The introduction of electronic filing by candidates via the Internet;
- The creation of an electronic filing program for legislative leadership committees, political party committees, political committees, and PACs;
- The addition of mandatory electronic filing for gubernatorial candidates and legislative candidates above a threshold;
- The creation of a lobbyist program for scanning and electronic filing of reports by governmental affairs agents;
- An upgrade in the system to allow for the creation of a local candidate database;
- An upgrade in the system to allow for the keying of expenditure information;
- An enhancement to provide for industry coding of contributions;
- An upgrade to enable the public to view reports and information without the use of special viewer software that is difficult to download;
- The addition of a treasurer training section to the web site pursuant to P.L. 2004, c. 22; and,
- A redundant site for disaster recovery.



## **EXECUTIVE SUMMARY continued**

To conclude, in response to the legislative mandate contained in A-9, the Commission has undertaken this study of its Internet services to build upon steady progress in the area of technology that can only be of continued benefit to an interested public. Through multiple Internet initiatives, ELEC can better fulfill its mission of public disclosure. Of course, a very important component of these improvements is an ongoing appropriation of one million dollars to implement, maintain, and improve upon these changes.



## **INTRODUCTION**

Assembly Bill Number Nine, passed by the Legislature and signed by Governor James E. McGreevey on June 16, 2004, requires the Election Law Enforcement Commission (ELEC) to review its Internet site and recommend improvements in format and content. This report is in compliance with that directive.

It is not the first one undertaken for the purpose of reviewing ELEC's technological capabilities and determining what improvements and enhancements need to be made in order to strengthen disclosure. A prior report, entitled "Technology in The Future: Strengthening Disclosure" was published in October, 1992, by the Commission. In it, a blueprint for technological change was offered that provided the basis for ELEC's present computer operations and technological innovations that have received national praise.

Similarly, it is the intent of this report to set forth plans that will serve as the basis for further enhancements to the Commission's Internet site; improvements that will maximize its ability to provide timely and full disclosure of campaign finance and lobbying information to the public.

But this report will not just be about future needs. It will be about ELEC's technological past, present, and future; where it was, where it is, and where it hopes to go. In this way, the report will show how the Commission has been historically committed to technological advancement for the purpose of enhancing its mission of public disclosure. This commitment has helped the Commission maintain its reputation as one of the best disclosure agencies in the nation.





## **INTRODUCTION continued**

As written in the 1992 report:

The Election Law Enforcement Commission's main concern always is to provide to the public meaningful information about candidates, campaigns, parties, political committees, PACs, and lobbyists in the most timely and complete manner as possible.... The Commission views the appropriate use of up-to-date technology as an integral part of the process.



## **THE PAST**

When the Commission was established in 1973, it operated without the benefit of high technology. This situation was not unlike other agencies and departments throughout State government. Secretarial staff used typewriters and filed documents in storage cabinets. Even memory typewriters were not fully in use and certainly not personal computers. Mistakes were corrected by typing the entire document instead of deleting the erroneous word or letter as is the case now. Hard copy documents were filed by hand with agencies forced to maintain mountains of paper.

This history is not to say that computers did not exist nor that the Commission did not utilize them. It did, but computer operations were very primitive and not under the control of ELEC. In 1973, the Department of Treasury's mainframe system serviced virtually all State government agencies, including the Commission. This arrangement, of course, had shortcomings. For instance, the offsite nature of the services adversely affected the quality of the product because of the lack of control ELEC maintained over the computerization process. In addition, the Commission was one of many state agencies contracting with the Department of the Treasury to use its services. ELEC had its own data entry operators using dumb terminals to communicate with the Office of Technology and Information Systems' (OTIS) mainframe. However, it took several days between the time data was keyed and computer printouts run to verify the keyed information. Additionally, it took several days between the time a request for a computer printout was made until it was eventually received. Access to campaign financial data in computerized form was severely hampered in those days with the public acquiring its information primarily through the on-premises review of hard copy reports. In other words, the public had to travel to the Commission's office in Trenton to review reports, a situation that unavoidably undermined ELEC's mission of disclosure.

## **THE PAST continued**

In the days before the Commission instituted its scanning and imaging process, allowing the public to access reports via the Internet, hard copy reports were the only means by which the



Early filing of paper reports before scanning and imaging

public could acquire important campaign financial information. And even the Commission's efforts at providing copies of reports to the public were hampered by the primitive copying equipment it necessarily had to use. In contrast to 20 years later, in the 1990's, when sophisticated copying equipment was in use, the Commission had limited ability in the 1970's to deliver, in a timely fashion, requests for information it received from the public. This impediment to

fast delivery of information was due to the technological incapacity to photocopy large amounts of reports expeditiously. Compared to the 1980's and 1990's, when the public often requested photocopied reports, the 1970's public reviewed hard copy reports at Commission offices.

Through the years, however, the Commission made steady improvements in its technological infrastructure. As the 1980's arrived, many of its operations began to change for the better. Secretarial staff, for example, began to use the IBM DisplayWriter instead of typewriters. The IBM DisplayWriter preceded the use of personal computers making for certain progress in the Commission's efforts to advance technologically. It was



FEC Connection and IBM Displaywriter

## **THE PAST continued**

during the mid-Eighties that ELEC installed its own mini-mainframe computer system, providing it with control over its computer operations. This development allowed the Commission to produce contributor lists, labels, and a variety of analytical materials in-house. Although this upgrade was a big improvement within the Commission's technological infrastructure, it was not without obstacles. Because the software application was owned by the developer, any changes or modifications had to be done through that outside vendor.

Other developments occurred during this time also. By upgrading its copier equipment, the Commission improved its capacity to provide hard copy reports more quickly to the public. Finally, in linking its computer system to the State's Fiscal Management Information System (FMIS) and Personal Management Information System (PMIS), the Commission brought about

more efficiency to its fiscal and personnel operations.



Prime 4050 Mini-Mainframe

As noted above, the Commission's first mini-mainframe was installed in-house in the mid-1980's as a Prime Information 4000 Series. By 1989, the system was enhanced to a Prime 4050 mini-

mainframe. Accordingly, data storage capacity was expanded and response time improved. At the time, four software programs were developed, though only three became fully operational. In the terminology of the day, those programs included the following modules: campaign financing, public financing, continuing political committees, and lobbying. Because of a shortage of data entry staff these programs were either fully or partially utilized or not utilized at



## **THE PAST continued**

all. The public financing module was fully utilized with contributor data and expenditure data keyed into the computer. The campaign financing program was partially utilized with data on legislative candidates and political committees entered into the system. Data was not available on local candidates except for summary information. At the time, the continuing political committee program, which would have included data on political party committees, was not utilized except for summary information. The lobbyist program was not used either, although annual report information was produced via personal computers.

Admittedly, the Commission's technological capacity remained limited. Nevertheless, during the 1980's and early 1990's, there was marked progress over the previous era and the Commission was making strides in terms of public disclosure by means of computer technology.

Examples of the services provided during this period include the following: detailed lists of contributors to legislative candidates and statewide political committees, the inauguration of its respected white paper series, analytical press releases, detailed information on the financial activity of gubernatorial candidates, and gubernatorial election reports including the Gubernatorial Cost Analysis Report.

It was during these years as well that compliance efforts were aided by the baby steps ELEC had taken in the area of automation. Various lists generated by the computer were used for sending compliance letters *en mass*. The system could identify late and non-filers. Moreover, the Commission purchased a modem that permitted it to connect the system with that of the Federal Election Commission (FEC). At the time known as the FEC Remote Access Project, the link permitted the Commission to access the database of the FEC and provide financial activity information on federal candidates, PACs, and parties to the public. The FEC selected the Commission as one of a small number of state agencies to participate in the program. It was during this time period that the Commission also paid a private vendor to enable staff to search and obtain information on pending legislation in a timely fashion.

## **THE PAST continued**



Fax Machine

While it might seem primitive now, it was at this time that the Commission took another step forward in terms of incorporating technology into its operational structure. It purchased its first fax machine. Subsequently, the Commission upgraded its fax machine and added two more. While it does not allow disclosure reports to be filed by fax machine, a policy instituted from the beginning, the Commission has since authorized 48-hour notices to be filed via fax. Nevertheless, the purchase of fax machines during this era enhanced operational efficiency. For example, requests for disclosure information could now be handled via the fax machine.

Though the Commission still outsourced planned printing projects, it did invest in additional, and more sophisticated, photocopying equipment. As a result, staff handled a voluminous number of daily requests for information. Though those requests for reports were sometimes huge, they nevertheless were filled as efficiently and quickly as possible. Needless to say this effort used up valuable staff time as well as paper stocks.

One area of operations that continued to be inefficient was the telephone system. The system was almost twenty years old and desperately in need of upgrading. Incoming calls were swelling in number and with just two receptionists the antiquated system was not up to the task. Thus, the need for the Commission to modernize its equipment was imperative.



## **THE PAST continued**

Unquestionably, but for that time period, ELEC fulfilled its historic mission of providing full and complete disclosure as effectively as possible. Despite this fact, however, it was becoming increasingly apparent that the Commission needed to take the next step toward improving its technological capabilities.

The next chapter will describe the steps taken toward that end.



## RECENT PAST TO PRESENT

Very significant technological progress was made by the Commission from the mid-1990's through the early years of the first decade of the new millennium. Steps taken during that period serve the Commission today and have laid the foundation for planned future enhancements.

In 1996 and into 1997, the Commission ran a two-tiered computer/systems operation. This activity was undertaken because staff was in the throes of



Prime 4150 System and Deck Alpha Server

making the transition from the Prime Information 4150 operating system to the Alpha System and LAN (local area network). Though the Prime 4150 System would still be utilized through the 1997 gubernatorial election, this system, in operation for ten years, was being increasingly phased out.



## **RECENT PAST TO PRESENT continued**



Dec Alpha Server 1000

Due to the acquisition of the Dec Alpha Server 1000, 38 new personal computers, and three new printers, the Commission had its offices rewired to accommodate this new local area network system. In addition, ELEC contracted with an outside vendor to rewrite its customized software programs for use in the new client/server environment. The Dec Alpha Server 1000 ran a Unix operating system. Oracle was the database of choice as there was a State contractual agreement with that vendor. Microsoft Windows 95 with Dec Pathworks was the operating system and communication software used on the personal computers to communicate between the Unix Alpha Server and the personal computers.

It was also in 1996, that the Commission first visualized a time when electronic filing would be available to reporting entities. As a practical step, the Commission contracted with the OTIS to begin development of a gubernatorial public financing software program for electronic filing.

While the ultimate goal of computer staff during this transition period was to become fully independent of the Prime Information System and to run all programs in a client/server Windows environment, it did not lose sight of another important objective of the Commission: to provide information to the public in an efficient and thorough way. And, in this task, the



## **RECENT PAST TO PRESENT continued**

Commission not only maintained its current capacity, but actually expanded upon the information base it was able to provide for the public.

A Compendium of campaign financing and lobbying statistics was expanded to include state and county party statistics spanning a ten-year period. Moreover, all contributor information involving the 1995 legislative general election was keyed by computer staff. The legislative database, for the first time, included occupation and employer information on individual contributors. It was during this important year as well that computer staff enhanced its ability to retrieve information from the system and convert it into a more usable fashion. Through the use of the new PC's, staff could extract computer generated statistical information from the main system and copy this information to a diskette. Diskettes were then made available to the press and public for use on their individual PC's.

The conversion toward the use of the new system, which included the Dec Alpha Server 1000A, the LAN for PC's, and the Oracle database was completed in 1997. Following the installation of these key components, the rewrite of customized software compatible with Oracle began. This project included all aspects of the public finance, campaign finance, and political committee modules. In order to make information accessible to PC users on Windows 95, the Commission's database was rewritten for an Oracle database running on the new Dec Alpha Server.

It was in 1997, that the Commission's first homepage appeared on the Internet. Now the public could retrieve statistics related to campaign financing and lobbying directly from the web. Links were also created with other sites of interest that used Commission data.

A most significant event occurred in 1998 that served as a catalyst for the development of the state-of-the-art information technology delivery system currently in use at ELEC. In addition to its regular FY-1999 budget, then-Governor Christine Todd Whitman and the Legislature provided the Commission with a \$1 million special purpose appropriation for the purchase of

## **RECENT PAST TO PRESENT continued**

hardware, software, and professional services related to the implementation of scanning and imaging. This development resulted in a more pronounced presence on the Internet with interactive web pages and the introduction of electronic filing.



Scanning Station

In order to facilitate the task of incorporating scanning and imaging of reports into its overall operations, the Commission contracted the services of Automated Concepts Incorporated (ACI) to re-engineer the way ELEC was doing business. Whatever was

done in the paper world would now be done in an electronic world for the gubernatorial public financing, campaign financing, and PAC programs. After undertaking a comprehensive study, ACI identified the needs of the Commission in terms of implementing the technology initiative. In addition to contracting with ACI, the Commission contracted the services of FileNet, a company approved by OTIS and the State Treasurer.

## **RECENT PAST TO PRESENT continued**

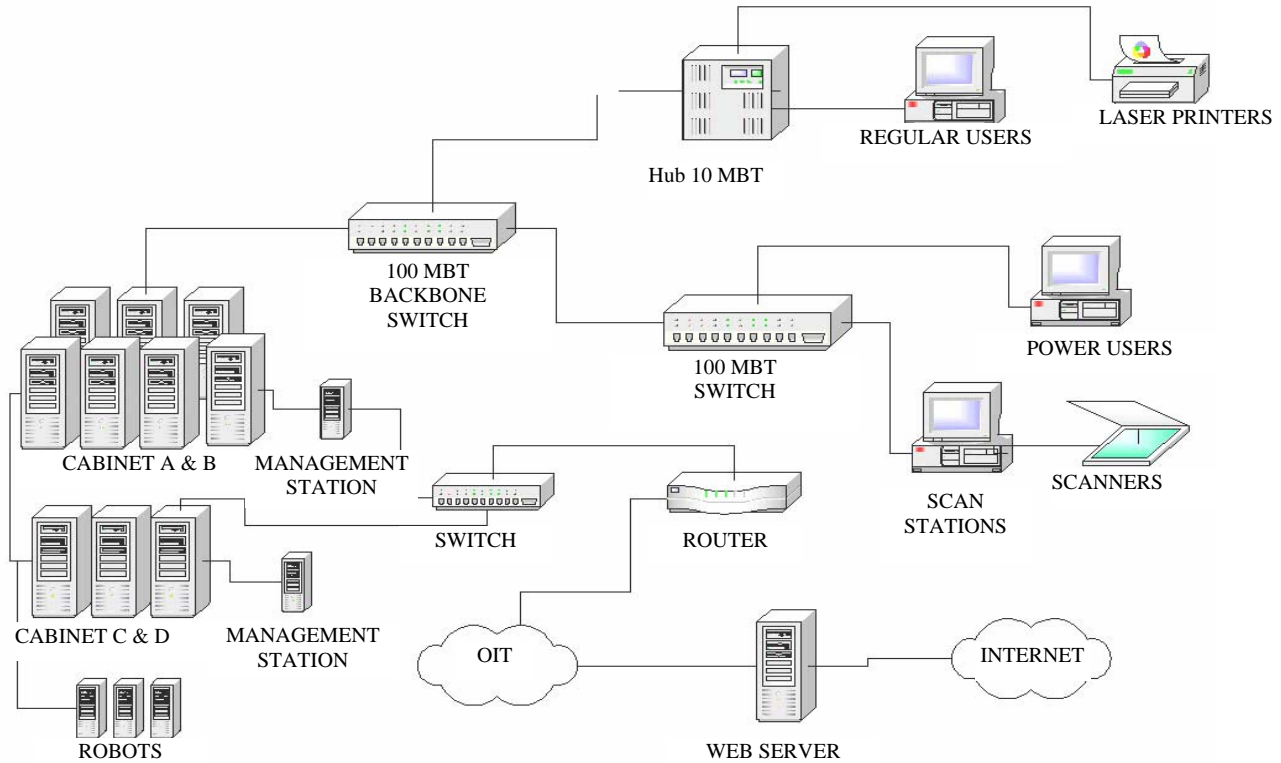
Once the plan was outlined, the necessary steps were taken to make campaign finance reports, PAC and party disclosure reports, and the Commission's searchable contributor database available on the Internet. The project included new hardware and software installation. ELEC went from having one Dec Alpha Server hosting both its Oracle database and file server to having 12 servers in what is now known as the "Server Room." The software installations included FileNet with its many customized applications for: imaging, document management, workflow, and the retrieval of images through the Internet.



Left to right: E-mail, Oracle, and Backup System Servers; Optical Jukebox; and FileNet Servers

New personal computers were purchased for staff with Microsoft NT as the operating system, doing away with the Pathworks software that was needed to communicate between the Unix Dec Alpha 1000 and the PCs. The project became known as "ELEC On-Line."

## **RECENT PAST TO PRESENT continued**



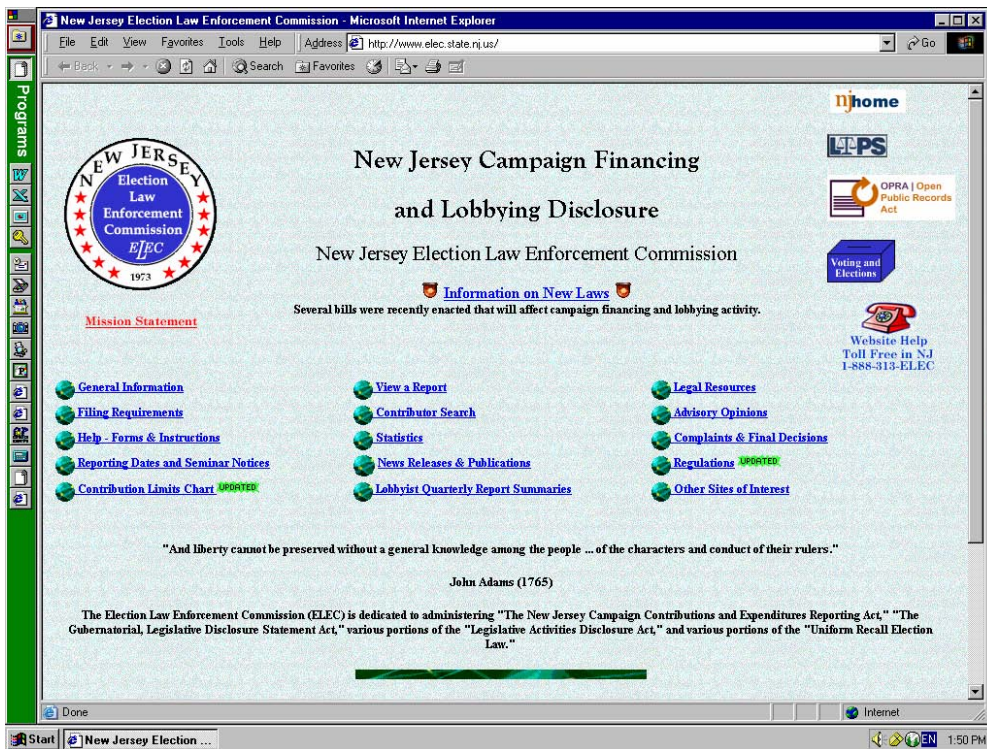
[ELEC On-Line](#)

In the final analysis, by the general election of 1999, all reports were scanned into the new system making all candidate filings available on-line. For the first time ever, citizens were able to view filings from home, local libraries, offices, etc. In the beginning, only disclosure reports of local, state, and gubernatorial candidates were available to the public. Within a very short time, however, political party, PAC, and legislative leadership committee reports were accessible via the ELEC on-line service. Moreover, as the result of this initiative, a searchable campaign finance database was developed that allows the public to access comprehensive contributor data on gubernatorial and legislative candidates, political parties, and legislative leadership committees. This development permitted users to sort contributor data in several different ways and to download the information in a useable format to their home computers.



## **RECENT PAST TO PRESENT continued**

In addition to the interactive web pages, many useful tools for the ELEC's filing community were added to the web site. These tools included the Compliance Manuals, with forms and instructions for candidates and PACs, and lobbying forms with instructions for legislative agents and lobbyists. Additionally, advisory opinions, regulations, complaints, and final decisions were also made available. Moreover, the White Paper Series was added in a 'pdf' format for users to either read online or download to their desktops.



ELEC's Web site

It was during this very important period of Commission techno-development that ELEC's webmaster added a new "Hot Button" to its web site. Inaugurated during the 2001 election cycle, this "Hot Button" provided users with instant access to important election-related information, including changes to the primary election data and accompanying disclosure filing dates.



## **RECENT PAST TO PRESENT continued**

This period also marked strides in electronic filing. For example, the Gubernatorial Electronic Filing System (GEFS) was implemented. As part of this process, staff provided individualized training sessions to users and provided help desk support and extended evening and weekend hours at critical filing times during the election. Moreover, as the result of GEFS not only did the gubernatorial candidates receive public matching funds more promptly, but also the contributor detail information was disclosed to the public in a timelier manner.

In addition, the R-1 Electronic Filing System (REFS) was fully implemented for the 2001 legislative general election. This program enhanced the electronic filing pilot program introduced in the general election of 1999. The REFS program aggregated contribution amounts, created contribution and expenditure detail reports, and allowed for the exporting of this information to a spreadsheet or text file.

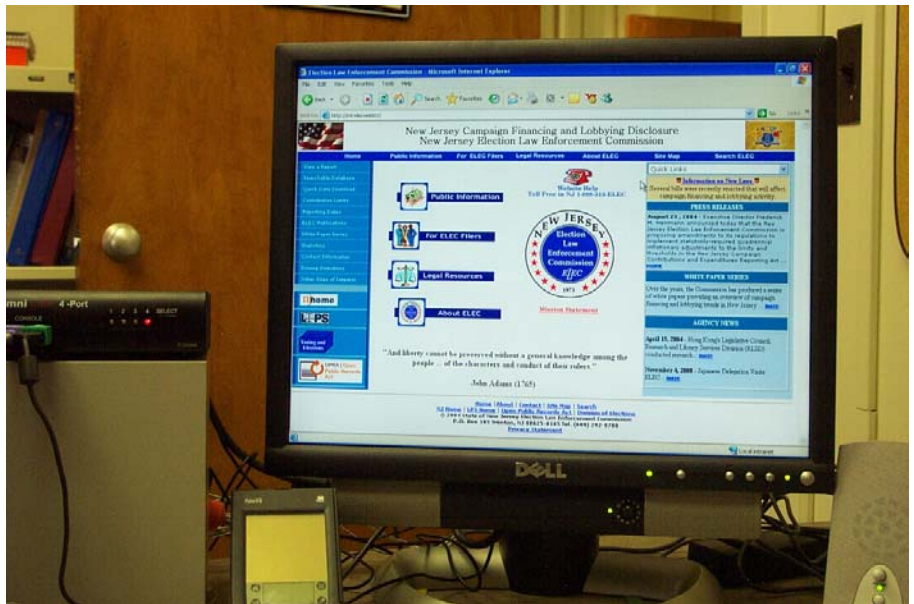
Finally, it would be remiss to not mention the hiring of important professional computer staff and data entry personnel that occurred as the result of the \$1 million appropriation received by the Commission in 1998. Since that time, the Commission has hired assistant systems administrators, an assistant systems developer, a help desk assistant, and a computer technician. Personnel were also added in the data entry area. All told these valuable staff members have been instrumental in helping the Director of Systems Administration make the transition from the period of modest technological development in the late 1980's and early 1990's to the present time featuring a state-of-the-art automation system that will be further improved in the near future. Further, these individuals have been critical to the mission of the Commission, which is providing up-to-date information on campaigns and lobbying to the public in an efficient, accurate, and user-friendly way.

## PRESENT TO FUTURE

At the present time, the Commission is continuing to upgrade its computer operations. Moreover, it is planning future changes that will positively impact its ability to deliver campaign financing and lobbying information to a concerned public.

In recent months, the Systems Administration IT support team oversaw the implementation of FileNet's Document Archive Retrieval Transport (DART) utility. DART is important because it complements the Commission's backup systems for disaster recovery. Used in conjunction with the Commission's magnetic tape backup libraries, DART will be invaluable in the unhappy event of an emergency.

ELEC's web site has undergone many changes in order to be kept up-to-date. The web site, which is being further improved as this report is being written, has contributed to the Commission's high ranking as having one of the best campaign finance disclosure programs in the nation. This high ranking was cited in a definitive report published by "The Campaign Disclosure Project," a collaboration of the UCLA School of Law, the Center for Governmental Studies, and the California Voter Foundation. The "Project" has produced a planning document that should be mandatory reading for all State legislatures and ethics agencies interested in a state-of-the-art guide to improving Internet disclosure.



Planned future Web site displayed on a flat monitor



## **PRESENT TO FUTURE continued**

The IT development team continued to improve upon the R-1 Electronic Filing System (REFS). Version 3.0 was made available to legislative electronic filers for use in the 2003 legislative general election. The changes to the R-1 electronic filing program involved the installation of an easier to navigate, user friendly interface; an operational means of keying multiple expenditures from one payment check; the creation of campaign management tools; and an on-line backup system.

Regarding this new and improved electronic filing program, users were given individual and/or group training. All told 18 legislative candidates and committees utilized the R-1 program. In addition to the R-1 electronic filing program similar improvements have been made to the GEFS. Training in the use of this program is already being provided to staff of potential gubernatorial candidates. Some of the key enhancements here were: the addition of the campaign management tools, tracking aggregate contribution amounts, keying multiple expenditures from one payment check, and an easy to navigate backup system.



R-1 Electronic Filing System



## **PRESENT TO FUTURE continued**

In conclusion, the Commission, in continuing to improve upon its ability to deliver campaign financial information via the Internet, is now able to disclose reports within days of filing deadlines. Campaign financial information relative to candidates, political parties, and legislative leadership committees is available with the click of the mouse. Further, within two to three weeks of filing deadlines, extensive contribution searches can be undertaken regarding gubernatorial and legislative candidates as well as political party and legislative leadership committees. Finally, the electronic filing component has been improved in preparation for the time when all filers, not just gubernatorial and legislative ones, will be able to file electronically and file via the Internet.

In anticipation of electronic filing by many candidates and committees, the Commission adopted rules to permit the acceptance of electronic reports without the need for a candidate's or treasurer's signature. The rules authorize use of encrypted "signatures" to replace a candidate or treasurer's personally signed certification on reports.

Despite the solid condition of the Commission's technological operation, it will not allow progress to stand still. At the present time, ELEC's computer staff is moving forward on future plans that will be set forth in the next chapter. In addition, it is in a continuous process of evaluating web sites in sister agencies in other states to determine other areas in which the Commission's system might be improved. More specifically, web sites in Illinois, Michigan, Ohio, and Washington have been observed. Staff has looked for additional ideas for web site accessibility and usability. The goal, of course, is to make ELEC's web site the best in the nation and to further enhance the ability of ELEC to deliver campaign financing and lobbying information to a waiting public.

The following improvements are key to the future of electronic disclosure:



## **PRESENT TO FUTURE continued**

- The upgrade and enhancement of the Commission’s legacy database to allow for a local contributor database that will improve compliance and provide the public with important detail on local candidates;
- PAC database;
- The upgrade and enhancement of the Commission’s legacy database to allow for expenditure information to be added to both legislative and local candidates, committees and PAC’s.
- The upgrade of FileNet web services to allow images to be viewed without the use of FileNet Viewer Software;
- The upgrade of the FileNet imaging system to the most current release, including a rewrite of the customized applications used within this program;
- The enhancement of the electronic filing program to allow for Internet filing of the current programs and the Commission’s “short” forms;
- The creation of an electronic filing program for legislative leadership committees, political party committees, and political action committees;
- The addition of mandatory electronic filing for gubernatorial candidates and legislative candidates over a threshold;
- The creation of a lobbyist program for scanning and electronic filing of reports; and,
- Industry coding of contributions to allow the aggregation of special-interest giving by types of business such as the healthcare or pharmaceutical industries.

As part of the effort to make further progress technologically and in response to the recently enacted laws requiring the Commission to evaluate its system development, the Commission undertook a review of the web sites of sister agencies. Its purpose was to determine how the Commission can go beyond the above stated “future projects” in order to make its web site as user friendly and accessible to the public as possible.



## **PRESENT TO FUTURE continued**

To no one's surprise, this comparative study reinforced the Commission's view that it needs to improve upon its electronic filing capability. Three states that were ranked highest in terms of electronic filing by "The Campaign Disclosure Project" were: Washington, Illinois, and Massachusetts. The electronic filing approaches taken by these states will provide some of the basis for ELEC's program. In order to encourage electronic filing, Washington and Illinois mandate electronic filing by candidates once a fund raising threshold of \$10,000 is reached. These states provide, as does the Commission under its present system, free filing software and technical assistance. Massachusetts, ranked third in the national survey, mandates electronic filing for all statewide and legislative candidates. Statewide candidates in Massachusetts are required to file electronically if they spend \$50,000 whereas legislative candidates are required to file electronically if they reach \$5,000.

At the present time, ELEC computer staff, as noted above, is working on enhancing the GEFS and the REFS systems. Under the GEFS program, campaigns can scan the relevant supporting documentation of contributions that are submitted for public matching funds. The contributor information is then merged with the scanned images. This system eliminates unnecessary paper copies and reduces data entry time at the Commission. The contributor and expenditure information, along with the document images are then copied to a CD for filing with ELEC, allowing staff to work with the material electronically.

The REFS program allows for the capture of contributor, expenditure, and outstanding obligation information. Both programs track aggregate contribution amounts, provide diagnostic reports, enable the export of information to a text file, and provide campaign management features.

As part of the electronic filing enhancement efforts, the Commission will be moving toward an Internet-based electronic filing system. It will also be looking toward the threshold approach as set forth above.



## **PRESENT TO FUTURE continued**

Although the Commission's web site design is generally applauded by the public, there nevertheless is room for improvement. In undertaking the comparative study, it was determined that there is room for improvement both in terms of searchable database options as well as in contextual and technical usability. Ohio and Illinois were rated highly in these areas and were looked at very carefully. In terms of a searchable database, Ohio's web site has a unique campaign finance file transfer page which helps users gather large sets of data faster than the normal query process. Moreover, Ohio's web site has icons for commonly requested downloads.

With regard to contextual and technical usability, the Illinois web site contained features that were interesting. For instance, the site contains a very clear "Guide to Disclosure" with details about campaign financing restrictions and reporting requirements. Also contained on the web site is a money and elections report that provides the public with an overview of campaign financing in Illinois. It is an instructional manual.

The nationwide survey taken by "The California Voter Foundation" in 2003 was also an important source of ideas for improving ELEC's web site and overall computer operations. First, it cited the need for ethics agencies to be funded properly. Second, it stressed the need for electronic filing with an emphasis on mandatory filing. While the Commission has been planning mandatory filing for gubernatorial candidates and legislative candidates whose financial activity exceeds a threshold amount, it is also moving forward with making electronic filing available on a voluntary basis to all candidates and filing entities. Other ideas included expenditure coding and industry coding.



## **FUTURE**

As demonstrated in this report, the Commission has steadily made progress technologically. Sometimes, depending on the money available to it, progress came in baby steps and other times in large adult steps. Recently, significant strides have already been made and will be made in the coming months.

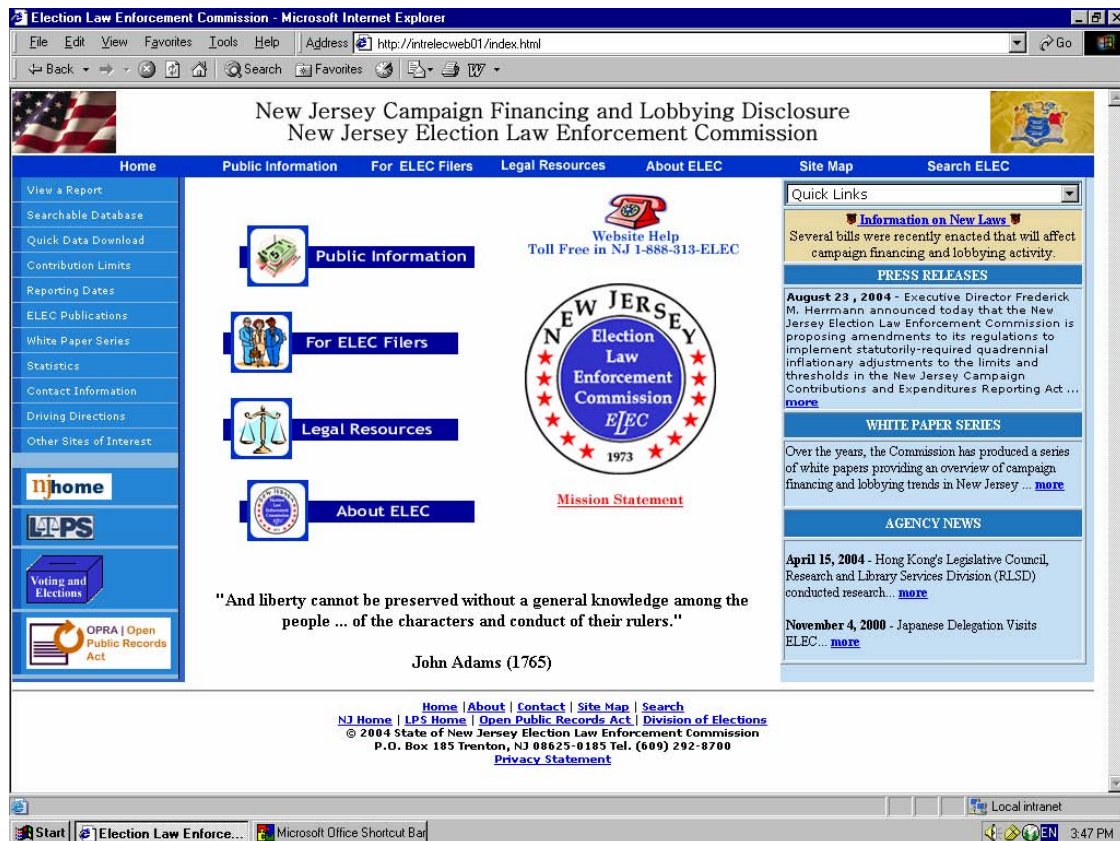
One of the most important goals is to upgrade the Commission's electronic filing program. At the present time, resulting from recent improvements, electronic filers can input information on software provided by the Commission, update it, and file CD's or diskettes with the Commission. The ultimate goal is to install technology that will allow for filing directly over the Internet. Moreover, plans are to undertake efforts to encourage greater participation by candidates and other filing entities in the electronic filing program. One of the ways to do that is to require gubernatorial candidates and legislative candidates raising over a certain threshold to file reports electronically.

At present, the Commission does not have an electronic filing program available for use by special interest PACs, legislative leadership committees, and political party committees. The Commission wants to initiate the development of such a program for these entities. And last, but not least, with lobbying being such a high profile part of the governmental process, the Commission will create a lobbyist program for scanning and electronic filing. This program will serve three purposes: public disclosure, ease of filing for lobbyists, and enforcement. As noted earlier, the Commission plans to improve upon ELECTTrack to allow for a local database that will be an important compliance tool and will provide detail on contribution activity by local candidates, a crucial area in that skyrocketing campaign expenditures and recent convictions for municipal corruption have enhanced the need for local-level campaign funding transparency. Currently, ELEC's database can be searched instantly for contributors to gubernatorial and legislative candidates as well as to political party committees. But, in order to find contributors to local candidates, a researcher would have to review hundreds of local reports.



## **FUTURE continued**

Moreover, as part of its overall effort to fulfill its mission of disclosure, the Commission plans to provide its web site with an updated appearance, making it more accessible and user friendly. In responding to: recommendations made by “The Campaign Disclosure Project,” ideas emanating from its study of the web sites of other states, and suggestions made by members of the Legislature, the press, the public, and its own staff, the Commission seeks to upgrade its home page to one containing four key sections. These sections are: “Public Information,” “For ELEC Filers,” “Legal Resources,” and “About ELEC.”



Planned ELEC Web site of the future

Within the Public Information Section will be links to the following subsections: view a report; searchable campaign finance database; who’s running and who are the candidates, parties, and PACs; complaints and final decisions; statistics; lobbyist quarterly reports; and ELEC publications.



## **FUTURE continued**

The ELEC Filers Section will include forms and instructions that all filing entities will be able to download. Candidates, joint candidates committees, election-related committees, political party committees, and political action committees will have easy access to the Commission's instructional materials.

Contained in the Legal Resources Section will be valuable information about Commission enforcement activity as well as information concerning ELEC's legal resources available to the public. For example, information and forms will be made available regarding how to request an investigation and how to request an advisory opinion. Included in this section will be ELEC regulations and proposed rule changes as well as publicly disclosed complaints and final decisions issued by the Commission.

The final element will be the About ELEC Section. It will contain information about the commissioners and key staff, ELEC press releases, agency news, a directory of information, including phone and fax numbers, and e-mail addresses. Importantly, this section will include links to copies of ELEC publications, including white papers, cost index reports, and annual reports.

This comprehensive and compelling web site will be enhanced through the use of Crystal Reports Server. By utilizing this technology, information on the web site will be presented in a more professional manner. The Crystal Reports Server will allow individual reports to be displayed when searching any of the interactive web pages. Moreover, all information displayed on a crystal report will be available to download to a text file.

Each and every section contained on the web site will be enhanced through upgrades in technology. For example, in terms of viewing a report, which is a link contained within the Public Information Section, the cumbersome viewer software download will be eliminated. As part of the enhancements to this link, the ability to create customized listings of candidates, committees, and PACs will be established. Added to this subsection will be 48-hour notice





## **FUTURE continued**

viewing; customized listings of financial activity by candidates, committees, and PACs; and reports by professional campaign fundraisers.

Within the Public Information Section, the contributor database link will be enhanced as well. A simple search feature that will allow the user to quickly search through the entire contributor database for a specific contributor will be added. Beyond this improvement, an advance search feature will permit the user to quickly search for contributor detail for an entire election year, jurisdiction, or office. In addition, there will be a quick data download feature that will allow users to download contribution and expenditure information to various filing entities without going through the search screens. And, within the Public Information Section, the statistical information link will be improved with customized charts illustrating important campaign financing and lobbying trends. Finally, a treasurer training subsection will be added as well as a link for electronic filers to file via the Internet.

Plans are for the For ELEC Filers Section to be enhanced through the addition of more detailed information. In addition to the availability of all forms, this section will permit filers to download entire compliance manuals. Candidate, joint candidates, political party, legislative leadership, and continuing political committee manuals will all be available for downloading by treasurers and other interested individuals. While this service is now available, enhancements will make this process more convenient and easily accomplished.

Enhancements to the Legal Resources Section will include a feature for viewing complaints and final decisions that will enable the public to undertake a search not only by using a candidate or committee name but also by location or year. Advisory opinions will continue to be available online as will the Commission's regulations. Regulations, however, will eventually be available through bookmarked sections whereby the user will be able to navigate from section to section rapidly. And, as indicated above, improvements to the About ELEC Section will insure that the public has a thorough and complete understanding, not only of who the Commission members and staff are, but also who should be contacted to facilitate a quick



## **FUTURE continued**

response to questions and concerns. Through press releases, agency news, publications, and information about meetings and public hearings, the public will be fully versed in the mission and purpose of the New Jersey Election Law Enforcement Commission.

Finally, no overhaul of the Commission's web site and computer operations would be complete without addressing the need for disaster recovery. Working together with the State's Office of Information Technology (OIT), the Commission, using fiber optics will install a redundant site for hosting a second set of servers. In the event that onsite servers fail, this redundant site, which houses additional servers at a different location, will allow users to utilize the Commission's computer services with no disruption of service.

Through the years, the Commission has maintained a national and international reputation for high standards second to none. Some of the reasons for this distinction have been the selection of excellent Commissioners by several Governors, a highly trained and dedicated staff, and a continual quest to get even better. An important part of this quest, and the fulfillment of its mission of disclosure, is the desire for improving its technological capabilities. This report is a testament to that on-going effort as well as to the support and commitment of our elected state officials who see the need and are dedicated to the purpose of aiding public disclosure in New Jersey.



## **CONCLUSION**

The purpose of this report has been to review and evaluate the presentation, accessibility, convenience, usefulness, and comprehensiveness of the information made available by the Commission to the public through its Internet site. A key recommendation for an appropriation is made in the first appendix to improve still further the convenience and usefulness of ELEC's already highly-regarded homepage.

Previous chapters set forth steps that have been taken to enhance the Commission's technological underpinnings in the past as well as to ready the stage for future projects. In regard to those future undertakings, the study has laid out specific projects for improving the Commission's web site and making it even more user friendly than it already is. Moreover, the study outlined plans for upgrading ELEC's electronic filing program with the ultimate goal being to install technology that allows for filing reports directly over the Internet. This capability will be expanded to include: special interest PACs, legislative leadership committees, political party committees, lobbyist filings, and mandatory electronic filing for gubernatorial candidates and legislative candidates over a threshold.

Through the years, the Commission has been regarded nationally and internationally as one of the best agencies of its type in existence. For example, Professor Larry J. Sabato of the University of Virginia, one of the most highly regarded political scientists in America, told the Rosenthal Commission in 1990 that "ELEC was the most effective state ethics agency in the country." And, more recently, in 2004, the Hong Kong Legislative Council stated that ELEC is "regarded as one of the most successful regulatory agencies in the U.S." Further, in recent years, by virtue of its continued efforts to improve upon its automation processes, the Commission's web site and computer operations in general have been rated highly as well. In 1999, the California Voter Foundation scored ELEC's web site the highest in the nation calling it "state-of-the-art" and "exceptionally complete and easy to use." Last year, this same foundation working with the Center for Governmental Studies and the UCLA School of Law in "The Campaign



## **CONCLUSION continued**

Disclosure Project” noted that New Jersey has “one of the best campaign finance disclosure programs in the country.”

Recognizing that being at the cutting edge of technology is crucial to public disclosure in modern times, the Commission desires to continue making improvements to its system. The completion and implementation of the projects noted in the previous chapter will enable ELEC to remain ahead of the curve and provide the best service to the citizens of New Jersey. However, in order to accomplish the long-range goals set forth in this report, it will be necessary for the Commission to receive an ongoing appropriation in the amount of \$1 million. Using this funding, the Commission will be able over the years to update and improve continuously its web site which will include the newly mandated Internet treasurer training, electronic filing through the Internet, and a user friendly system that will enable visitors to not only access reports but to also navigate through contributor and expenditure information that will surely enlighten the public about the campaign process.



## **APPENDIX I**

### **A One Million Dollar Recommendation**

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Some legislatures have adequately funded e-filing programs, others have not. Often funding is left out of voter initiatives, which appear to be holding up development of e-filing programs in Maine, Massachusetts and Colorado. Other states have begun electronic filing programs with in-house resources that later stall due to unexpected costs or lack of funding.

“The Campaign Disclosure Project”

The Commission outlines in this report important and critical plans for improving and enhancing its Internet site. These improvements are necessitated by ELEC’s mandate to progress toward a future in which the public has quick and simple access to comprehensive campaign financing and lobbying information.

First and foremost, in order to facilitate these recommended enhancements to its Internet site, the Commission is strongly recommending, pursuant to the directive in A-9 to ask for gubernatorial and legislative assistance, an increase in its FY-06 operating budget of \$1 million. This increase would be ongoing in future budgets and would be used to: finance continuous enhancements, maintain the system, and support further upgrades in the years to come. ELEC envisions using this annually replenished source of funds to pay vendors and add more permanent staff to work with them in the design of new projects and the preservation of overall functionality.

The enhancements to be supported by this budgetary increase are significant, both in terms of public disclosure and in terms of facilitating compliance with disclosure laws by all filing entities. Moreover, besides enabling the public to more conveniently access campaign and



## **APPENDIX I continued**

lobbying reports and helping the regulated community more readily comply with the laws, the proposed technological improvements will allow members of the media and academics to simply and easily navigate through the wealth of information available at the Commission and thereby provide valuable insights into the nature of electoral politics in New Jersey.

With the assistance of the ongoing increase of \$1 million to its regular budget, ELEC envisions the following improvements over the coming years that will dramatically heighten its ability to provide thorough and complete disclosure of campaign financing and lobbying information. These changes will help the regulated community comply with comprehensive filing requirements and will go far toward enhancing the public trust in government at all levels. They are:

- Continually improving the appearance and user friendliness of ELEC's web site;
- Internet electronic filing by candidates, legislative leadership committees, political party committees, political committees, and PACs;
- Mandatory electronic filing by gubernatorial candidates and legislative candidates over a threshold;
- Lobbyist report scanning and electronic filing program;
- Creating a local candidate database;
- Keying of expenditure data;
- Industry coding of contributions;
- Upgrading to allow access to information without use of difficult to download viewer software;
- Internet treasurer training; and,
- Creating a redundant site for disaster recovery.



## **APPENDIX I continued**

As Assemblyman Roberts told the Star-Ledger (Newark) in May of this year, “if we are committed to having a regulatory structure that enforces these new [ethics] laws we are developing, we have to be honest enough to fund it.” He added that “I believe if you say to the people of New Jersey ‘we will carefully spend a little more of your tax money to ensure that the process is as clean as it can be,’ they’ll be prepared to make that bargain.” His pathbreaking comments that applied to A-26, which gave the Commission another \$2 million in its annual operating account for implementing the General Assembly’s sweeping ethics reform package, can be equally applied to ELEC’s one million dollar Internet enhancement recommendation made pursuant to A-9, which was part of these comprehensive reforms. The Commission firmly believes with one farsighted Garden State citizen, who testified before it in 1995, that “the first expense of ... government should be to maintain the integrity of our democratic process.”



## **APPENDIX II**

### **The Internet Site Study Law**

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## **ASSEMBLY, No. 9**

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# **STATE OF NEW JERSEY**

## **211th LEGISLATURE**

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INTRODUCED MAY 17, 2004

Sponsored by:  
Assemblyman ROBERT GORDON  
District 38 (Bergen)  
Assemblyman LOUIS MANZO  
District 31 (Hudson)  
Assemblyman PETER C. EAGLER  
District 34 (Essex and Passaic)  
Assemblyman JOHN S. WISNIEWSKI  
District 19 (Middlesex)

Co-Sponsored by:  
Assemblywoman Previte, Assemblyman Scalera, Assemblywoman Myers,  
Assemblymen Van Drew, McKeon, Assemblywoman Cruz-Perez,  
Assemblymen Chivukula, R. Smith, Connors, Assemblywoman Greenstein,  
Assemblyman Greenwald, Assemblywoman Oliver, Assemblymen Stack,  
Chiappone, Payne, Hackett, Assemblywoman Watson Coleman,  
Assemblymen Vas, Gusciora, Assemblywoman Quigley, Assemblyman  
Stanley, Senators Coniglio and Connors

#### **SYNOPSIS**

Requires ELEC to review its Internet site and recommend improvements in format and content.

#### **CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 6/11/2004)



## **APPENDIX II continued**

A9 GORDON, MANZO

2

1     **AN ACT** concerning the New Jersey Election Law Enforcement  
2         Commission's Internet site.

3  
4     **BE IT ENACTED** by the Senate and General Assembly of the State  
5         of New Jersey:

6  
7         1. a. The New Jersey Election Law Enforcement Commission,  
8         created pursuant to section 5 of P.L.1973, c.83 (C.19:44A-5), shall  
9         review and evaluate the presentation, accessibility, convenience,  
10         usefulness and comprehensiveness of the information made available  
11         by the commission to the public through its Internet site. The purpose  
12         of this review and evaluation shall be to ascertain the best manner to  
13         improve the convenience and usefulness of the commission's Internet  
14         site. For this purpose, the commission shall study the efforts of other  
15         states and substantially similar entities. In addition, the commission  
16         shall review the work and recommendations of not-for-profit entities  
17         that seek to have information held by the government in general, or  
18         campaign finance information in particular, available on the Internet  
19         for public use in as accessible, current and comprehensive form as  
20         possible. The commission shall contact any such not-for-profit entity  
21         and discuss the commission's work pursuant to this section, if the  
22         commission deems it appropriate and useful.

23         b. This review shall be conducted and completed by the  
24         commission within 120 days following the effective date of this act,  
25         P.L. ., c. (now pending before the Legislature as this bill). A report  
26         detailing the commission's review and findings shall be submitted to  
27         the Governor and the Legislature no later than 180 days following the  
28         effective date of this act. The report shall contain a detailed discussion  
29         of the efforts the commission shall undertake to revise the format and  
30         content of its Internet site. The report shall contain such  
31         recommendations for legislation and appropriation as the commission  
32         may deem necessary to accomplish the purpose of this act.

33  
34         2. This act shall take effect immediately.

### STATEMENT

35  
36  
37  
38         This bill requires the Election Law Enforcement Commission  
39         (ELEC) to review and evaluate the presentation, accessibility,  
40         convenience, usefulness and comprehensiveness of the information  
41         made available by the commission to the public through its Internet  
42         site.

43         ELEC should seek to upgrade to the best technologies available  
44         and to provide the most comprehensive information possible. In  
45         particular, ELEC should aim to provide on its Internet site profiles of  
46         contributors and the ability for members of the public to search the  
47         information using contributor names.



## **APPENDIX III**

### **Index of Key Disclosure Entities Cited**

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Campaign Disclosure Project 2004\*  
<http://www.campaigndisclosure.org/>

Illinois — State Board of Elections  
<http://www.elections.state.il.us>

Massachusetts — Office of Campaign and Political Finance  
<http://www.state.ma.us/ocpf>

Michigan — Department of State  
<http://www.michigan.gov/sos>

Ohio — Secretary of State  
<http://www.state.oh.us/sos>

Washington — Public Disclosure Commission  
<http://www.pdc.wa.gov>

\*This comprehensive report was received too late to be used in this study. ELEC relied heavily, however, on the project's similar survey for 2003. The Commission is greatly pleased to note that the 2004 report concluded that when ELEC's Internet study is completed and its "many significant improvements" are made, "the result will be a State that is providing excellent access to campaign finance records, both on paper and through the Internet."



## **APPENDIX IV**

### **For Further Reading**

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Brindle, Jeffrey M. “Technology in the Future: Strengthening Disclosure.” ELEC White Paper Series, No. 8. Trenton: New Jersey Election Law Enforcement Commission, 1992.

Hedlund, Elizabeth and Rosenberg, Lisa. “Plugging in the Public: A Model for Campaign Finance Disclosure.” Washington, D.C.: Center for Responsive Politics, 1996.

Herrmann, Frederick M. “Bricks Without Straw: The Plight of Governmental Ethics Agencies in the United States.” Public Integrity Annual. Vol. 2 (1997), 13-22.

\_\_\_\_\_. “Empowering Governmental Ethics Agencies.” Spectrum: The Journal of State Government. Vol. 77, No. 2 (Summer, 2004), 33, 35.

Holman, Craig B. and Stern, Robert. “Access Delayed is Access Denied: Electronic Reporting of Campaign Finance Activity.” In “Campaign Financing Enters the New Millennium: Where We Are, Where We Should Be, Where We Are Going – Part Two.” Edited by Frederick M. Herrmann. Public Integrity, Vol. 3, No. 1 (Winter, 2001), 11-32.

National Resource Center for State and Local Campaign Finance Reform. “Campaign Money on the Information Highway: Electronic Filing and Disclosure of Campaign Finance Reports.” Los Angeles: Center for Governmental Studies, 1996.