



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

NATIONAL STATE BANK BLDG., 12th FLOOR
28 W. STATE STREET, CN 185
TRENTON, NEW JERSEY 08625-0185
(609) 292-8700

STANLEY G. BEDFORD
CHAIRMAN

OWEN V. MCNANY, III
VICE CHAIRMAN

DAVID LINETT
COMMISSIONER

S. ELLIOTT MAYO
COMMISSIONER

FREDERICK M. HERRMANN, PH.D.
EXECUTIVE DIRECTOR

JEFFREY M. BRINDLE
DEPUTY DIRECTOR

GREGORY E. NAGY
LEGAL DIRECTOR

EDWARD J. FARRELL
COUNSEL

PUBLIC SESSION MINUTES

OCTOBER 17, 1989

All of the Commissioners and senior staff were present.

Chairman Bedford called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-8 et seq., special 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 9:30 a.m. at the Commission Offices, 28 West State Street, Trenton, New Jersey.

1. Approval of Public Session Minutes of September 26, 1989

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission approved the Public Session Minutes of September 26, 1989.

2. Approval of Public Session Minutes of Telephone Conference of October 4, 1989

On a motion by Chairman Bedford, seconded by Vice Chairman McNany and passed by a vote of 4-0, the Commission approved the Public Session Minutes of the telephone conference of October 4, 1989.

3. Approval of Public Session Minutes of Telephone Conference of October 10, 1989

On a motion by Commissioner Linett, seconded by Commissioner Mayo and passed by a vote of 4-0, the Commission approved the Public Session Minutes of the telephone conference of October 10, 1989.

4. Executive Directors' Report

A. Space Update

Executive Director Herrmann reported that the move to the 13th floor will take place in stages because of the need not to disrupt ELEC's operations in the middle of the busy preelection period.

The Executive Director said that the Administration Section will move to the 13th floor on October 20, 1989. He said that hallway materials will also be moved at that time, noting that these materials constitute a fire hazard. Executive Director Herrmann said that remaining staff will move in mid-December.

Executive Director Herrmann noted that staff plans to expand the size of the public room, create more space on the 12th floor for its computer operations, and create more space for records. He said that many older records that are now kept either at Records Retention or in commercial storage can be returned and housed on the 13th floor. The Executive Director said that this action will make for more efficient use of staff time. He noted that currently staff must travel to Records Retention to obtain old files that have been requested by the public. Executive Director Herrmann also said that the additional floor will provide professional staff with decent office space, enable people to move out of the hallways, and enable ELEC to end the practice of staff doubling and tripling up in offices.

Chairman Bedford asked how long records are currently kept.

Executive Director Herrmann said that records are retained on the premises for four years and at Records Retention for an additional 16 years. He said that before he became Executive Director the records were kept for 65 years.

Vice Chairman McNany asked staff to inquire into how much it costs to maintain the records at Records Retention and to determine the process for obtaining approval for shortening the time-period that records are retained.

The Commission agreed that staff should obtain the answers to these questions.

B. Computer Initiatives

Executive Director Herrmann said that staff was proceeding with the preparation of the first preelection press release on Assembly campaign financial activity. He said that for the first time the computer is part of the press release process. He said that ELEC will provide more information in its 1989 preelection press release series than ever before.

The Executive Director announced that staff will inquire into desktop publishing software for the purpose of instituting such a system in order to

produce reports, forms, and manuals in-house. Executive Director Herrmann indicated that desktop publishing would save money and would expedite the turn-around times for the completion of reports, forms, and manuals. He said that the cost of having the printer make even minor changes to manuals and forms is prohibitive. Executive Director Herrmann said that desktop publishing would remedy this situation and allow ELEC to create its own materials more cheaply.

Finally, Executive Director Herrmann reported that staff will eventually be looking into the possibilities of electronic reporting. The Executive Director suggested that electronic reporting is possible in theory and that staff will study this concept and the potential for immediate entry of data, not by staff, but by those filing the reports.

Executive Director Herrmann said that certain problems would accompany any effort to implement electronic reporting. He said that the cost for hardware and software would be in the neighborhood of \$10,000 and that Systems Administrator Warren Heins would need an assistant to undertake day-to-day computer operations in order to free him to work on new initiatives. Executive Director Herrmann said that the Commission's fiscal year 1991 budget priority package contains a request for a computer assistant.

He said that accomplishing many of these noteworthy objectives involves the questions of "time and money."

C. Staff Activities

Executive Director Herrmann reported that Director of Compliance and Information Evelyn Ford is scheduled to speak at a municipal clerks' certification program at Rutgers University. He said that Director Ford has gained virtually a "visiting professor" status with this group in that she is now being invited to speak to the municipal clerks on an annual basis. Executive Director Herrmann stated that he encourages this type of staff activity. In this instance, he said, it helps to foster a stronger relationship with the clerks who are part of the campaign financing reporting process.

The Executive Director added that on October 23, 1989, he will speak to Pack 29 of the Cub Scouts on the topic of the election process. Moreover, he continued, on October 26, 1989, he will attend a Citizens' Research Foundation (CRF) luncheon in New York City. Executive Director Herrmann said that John Feerick, Chairman of the New York State Committee on Government Integrity, will speak at the luncheon. He said that in 1987 he testified before Mr. Feerick at hearings in New York City and in Buffalo, New York. Executive Director Herrmann said that Mr. Feerick has praised ELEC as a model agency in a Governing magazine article.

D. Fine Collection Piggyback Update

Executive Director Herrmann reported that ELEC will not be part of the Department of Insurance Initiative but instead will be applying to become

part of a small agency fine collection program. He said that the small agency program is perfectly suited for ELEC's needs.

E. White Paper Number Four - Alternate Funding Sources

Executive Director Herrmann said that White Paper Number Four has been provided to the Commissioners for consideration at the November meeting.

He indicated that the proposal is being advanced to raise public and governmental consciousness about ELEC's financial needs. In addition, Executive Director Herrmann said that the proposal is being advanced to highlight possible alternative methods of meeting those needs.

The Executive Director said that the paper stresses the need for a stable, sufficient, and autonomous source of funding.

F. Future Meetings

Executive Director Herrmann said that the next regular meeting of the Commission is scheduled for November 21, 1989 at 9:30 a.m. in Trenton. He said that in December the regular meeting and holiday party will be held on December 19, 1989 in Trenton.

The Commission rescheduled the November 21, 1989 meeting for November 28, 1989 at 9:30 a.m. in Trenton.

Executive Director Herrmann said that telephonic public financing meetings will no longer be needed. He said that there is always the possibility that an emergency meeting before the election could be called.

G. 1992 COGEL Conference

Executive Director Herrmann said that he was planning to bid for the 1992 COGEL Conference to be held in New Jersey.

The Commissioners expressed enthusiasm for this proposal.

Certification of Public Funds

Director of Public Financing Nedda G. Massar reviewed the application for public matching funds submitted by Candidate Courter on October 16, 1989. Director Massar said that staff would recommend the application of the automatic 90 percent certification process approved by the Commission on September 26, 1989, to the October 16, 1989 fifth submission filed by the Courter campaign. In addition, said Director Massar, the Commission would review the balance of the fourth submission made by the Courter campaign on October 10, 1989. At its October 10, 1989 meeting, the Commission approved 90 percent of the October 10, 1989 submission by Candidate Courter.

Regarding the balance of the October 10, 1989 fourth submission by the Courter campaign, staff determined that a balance of \$18,613.20 in public funds was eligible for certification.

The net amount, including resubmissions, submitted by Candidate Courter for match on October 16, 1989 was \$98,575. This submission was Candidate Courter's fifth in the general election. Applying the 90 percent automatic approval rate, a net amount of \$88,717.50 was deemed eligible for match from this submission. At a 2:1 match, a total of \$177,435 in public funds was determined to be eligible for certification to the Courter campaign from its October 16, 1989 submission. However, since this amount, plus the balance in public funds from the October 10, 1989 submission would cause Candidate Courter to exceed the \$3.3 million public funds cap, staff recommended that a total of \$160,677 from the October 16, 1989 submission be certified in public funds. Thus, staff recommended that a grand total of \$179,290.20 is eligible to be disbursed to the Courter campaign.

On a motion by Vice Chairman McNany, seconded by Commissioner Mayo and passed by a vote of 4-0, the Commission certified a balance of \$18,613.20 to the Courter campaign from the October 10, 1989 submission.

On a motion by Commissioner Mayo, seconded by Vice Chairman McNany and passed by a vote of 4-0, the Commission certified \$160,677 in matching funds to Candidate Courter relative to the October 16, 1989 submission.

Chairman Bedford commended Director Massar on the fine job that she did administering the public financing program during the general election.

Director Massar, in turn, commended her staff for their efforts.

Executive Director Herrmann noted that over \$15 million was distributed to candidates in the primary and general election and that no mistakes were made in completing this task. He too praised Director Massar for her efforts. Executive Director Herrmann added that more functions of the public financing program's administration were computerized this year than in the past. He said that this was important because of the millions of dollars more in public dollars that were distributed to candidates in this cycle of primary and general elections.

At this juncture, Director Massar noted that included in the Commissioner's folders is a letter from Mr. Gary Deckelneck of the Asbury Park Press in which he provides the Commission with an overview of the coverage involved in the first debate. Director Massar also reviewed a "thank-you" letter from the Commission to the sponsors of the two general election debates. Subsequently, Chairman Bedford attached his signature to the letters of "thanks."

Vice Chairman McNany asked if staff had inquired into the matter of Fidelity Union Bank announcing that it was a sponsor of the first debate.

Director Massar responded that staff will look into this matter as part of the debate evaluation process. She said that letters will be sent to all sponsors asking for certain information to be provided.

Executive Director Herrmann added that the Commission will conduct, as it has following previous gubernatorial general elections, a public hearing on the gubernatorial public financing program.

Chairman Bedford suggested that either January or February 1990 would be ideal months to conduct the hearing. He said that on the agenda for consideration should be the topic of gubernatorial debates.

Vice Chairman McNany suggested that staff obtain the tapes from the various publicly sponsored debates.

Chairman Bedford recommended that notification of the public hearing on the gubernatorial public financing program should be distributed widely to all interested individuals.

Director Massar stated that she had calendared preparation for the public hearing to begin following the general election. She said that she planned to discuss the preparations at the November meeting of the Commission, when she will propose a list of topics to be discussed. Director Massar said that at that time, the Commission can determine if it wants to hold the hearing or hearings in Trenton or at various locations throughout the State. She indicated that an extensive mailing list of interested persons had been developed during the course of the campaign and that this list will be utilized for the purposes of encouraging participation in the public hearing.

6. Office Hours and Copying Fee Regulations

Executive Director Herrmann introduced two proposals for changing the Commission's regulations. The first proposal had to do with the Commission's hours of operation and the second one dealt with the fees charged by the Commission for copying its records.

The proposals are as follows:

N.J.A.C. 19:25-2.2 Reserved

This proposal deletes mandated hours of operation thus permitting the Commission to adjust the hours it is open to the public if budgetary restraints require the agency to reduce slightly its hours. In a time of limited resources it may become necessary to free a certain amount of staff time for operational activities. The current regulation mandates the Commission's hours from 9:15 a.m. to 4:45 p.m. for public inspection.

N.J.A.C. 19:25-2.4 Copies of documents, fees

This proposed regulation would adjust the copying fees upward to account for inflation. The cost of copying machinery, paper and personnel has increased since 1984, when the copying fee was last adjusted. This proposed regulation also addresses computer-generated information, which is not included in the present regulation.

Under the proposed regulation, photocopies would cost 15 cents per page, with two-sided photocopying considered as two pages. For computer-generated data, 10 cents would be charged per page of data, or per page of labels, and \$125 for a computer tape.

The proposed regulation also requires that the fees shall be due and payable at the time such photocopying or computer information is prepared.

Executive Director Herrmann said that if the Commission approves the proposals the proposed amendments would be filed with the Office of Administrative Law (OAL) on October 19, 1989, published in the New Jersey Register on November 20, 1989, commented upon in writing by December 20, 1989, given final adoption by the Commission at the January 1990 meeting, and made effective in February 1990.

For details see memorandum to the Commissioners from Frederick M. Herrmann, Executive Director, dated October 10, 1989.

Commissioner Linett said that he was not in favor of deleting the hours of public inspection from the regulation. He said that the public is entitled to know when the office is open for public inspection.

Commissioner Linett said that he would move the proposed regulatory amendments provided that the Commission approved a subsequent resolution declaring that the office is open to the public for public inspection between the hours of 9:15 a.m. to 4:45 p.m., Monday through Friday, with holidays excepted.

On a motion by Commissioner Linett, seconded by Commissioner Mayo and passed by a vote of 4-0, the Commission approved the proposed regulatory amendments to N.J.A.C. 19:25-2.2 and N.J.A.C. 19:25-2.4.

On a motion by Commissioner Linett, seconded by Commissioner Mayo and passed by a vote of 4-0, the Commission resolved to keep the office open to public inspection between the hours of 9:15 a.m and 4:45 p.m., Monday through Friday, with holidays excepted.

7. Resolution to go into Executive Session

On a resolution by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 4-0, the Commission resolved to go into closed, Executive Session to discuss the following matters which will become public as follows:

1. Executive Session Minutes of September 26, 1989 and October 10, 1989, which minutes will only become public if various matters discussed or acted upon become public;
2. Final Decision recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public 15 days after mailing; and
3. 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 30 days after mailing.

8. Adjournment

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission voted to adjourn at 12:25 p.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.