



## State of New Jersey

### ELECTION LAW ENFORCEMENT COMMISSION

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#### PUBLIC SESSION MINUTES

OCTOBER 22, 1991

All the Commissioners and senior staff were present.

Chairman McNany called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 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 9:50 a.m. at the Commission offices, 28 W. State Street, Trenton, New Jersey.

#### 1. Approval of Public Session Minutes of September 17, 1991

On a motion by Commissioner Bedford, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the Public Session Minutes of September 17, 1991.

#### 2. Executive Director's Report

##### A. Public Hearings

Executive Director Herrmann noted that the next meeting of the Commission will be held on November 20, 1991. He said that the Commission will conduct a public hearing on the proposed lobbying regulations at that time.

Executive Director Herrmann mentioned that several comments have been received from lobbyists indicating that they would not be able to attend the hearing because the date conflicts with the League of Municipalities Convention in Atlantic City. The Executive Director stated that these lobbyists could submit written testimony or send representatives to the hearing. He continued by saying that the hearing could also be carried over until the December meeting to accommodate such persons. He suggested that if the hearing needs to be carried over until December, then the Commission meeting should be shifted to an earlier date than December 18, 1991, so as to delay as little as possible the promulgation of the regulations.

Executive Director Herrmann told the Commissioners that he had directed Barbra Fasanella, Director of Administration, to find an alternate site for the hearing in the event that the audience becomes too large to be held in the Commission conference room. The Executive Director reported that all large State sites contacted in Trenton charge a fee. Therefore, he said, Director Fasanella lined up the Trenton City Hall, which holds about 200 people. Executive Director Herrmann commented that the Commission can also utilize the Executive Commission on Ethical Standards conference room, which is larger than ELEC's meeting room and is on the 14th floor of the building.

Executive Director Herrmann noted also that the acquisition of a court reporter is an issue because of ELEC's finances. He said, however, that because of the importance of this hearing the Commission should pay for a court reporter to record its proceedings.

Executive Director Herrmann advised the Commission that a second hearing, if it is held in December, would slightly delay the adoption of the proposed regulations but that such a delay would not constitute a major problem.

Executive Director Herrmann reported that a public hearing on the "900" line telephone number proposed regulations are scheduled for the January meeting. The Commission indicated that it would prefer holding its 1992 meetings on the third Wednesday of every month. The January meeting will be held on Wednesday, January 22, 1992.

Commissioner Bedford expressed the point of view that the Commission should drop the "900" line regulatory proposal and delay any regulatory activity in this area until another advisory opinion request is received and answered. He said that the Commission has very little experience with this issue and that it would make little sense to forge ahead prior to the submission of another advisory opinion or action by the Legislature regarding "900" numbers. Commissioner Bedford said that there is no indication that there is any use of "900" lines by candidates and that he did not like the idea of devising regulations in this area before more information about the issue is available.

The Commission postponed a decision on scheduling the "900" line public hearing until the November meeting when it would be clearer as to the use of "900" line efforts in the current legislative campaign. The Commission indicated that it would withdraw the proposal if there is no interest demonstrated in the issue.

Chairman McNany suggested that staff contact Consumer Affairs Director Emma Byrne to acquire her input about the "900" telephone line question.

#### B. Commission News

Executive Director Herrmann expressed the staff's congratulations to Chairman McNany on his renomination to the Commission by Governor Florio.

The Executive Director noted also the nomination of Joseph J. Mania, III, of Branchburg to be a member of the Commission. He said that he met with the Commissioner-Designate on October 7, 1991, to discuss ELEC basics and to provide him with relevant materials. Commissioner-Designate Mania, said the Executive Director, would have been in attendance at today's meeting if it were not for a scheduling conflict.

#### C. National and International Interest in ELEC

Executive Director Herrmann advised the Commission that a new report about public financing programs by the National Center for Responsive Politics states that the New Jersey program "has provided a model for other states and municipalities." He noted that New Jersey's 31.9 percent income tax check-off rate in 1989 led the nation.

Executive Director Herrmann mentioned also that the Canadian Federal Government is interested in ELEC's filing fee concept and has asked for the two White Papers concerning it.

#### D. Legislation

Executive Director Herrmann reported that A-5213 (Doria) implements the campaign financing recommendations of the Rosenthal Commission and appropriates to ELEC \$1.5 million dollars.

Commissioner Linett asked: what are the prospects for passage of this legislation?

Executive Director Herrmann responded that it is difficult to predict whether or not the bill will be acted upon but that he is optimistic that some type of action on campaign finance reform will be taken after election day.

#### E. Staff Activities

Executive Director Herrmann praised the compliance staff, stating that during general election 1991 the staff has been extremely busy and doing a great job.

He recognized Director of Compliance and Information Evelyn Ford, Associate Director of Compliance and Information Virginia Wilkes, and Assistant Compliance Officer Carol Neiman for their efforts in revising the Candidate Compliance Manual. Executive Director Herrmann said that Director Ford and her staff, with help from Legal Director Nagy and his staff, did an

amazing job the first general election filing week in processing the 29-day reports. He noted that the reports were processed in a timely manner despite the fact that overtime was not available, temporary employees could not be hired, and ELEC is operating with one-third less staff than two years ago. Executive Director Herrmann predicted that the Commission will be in a crisis situation by the 1993 election without additional monetary and staff resources. The Executive Director also praised Assistant Compliance Officers Carol Neiman and Kim Key for doing a terrific job with the September Information Sessions conducted on-site at ELEC headquarters.

Executive Director Herrmann remarked that on September 20, 1991, he attended a going away party for New Jersey Network (NJN) Executive Director Robert Ottenhoff. He said that while at the party he discussed with the station management ideas for television exposure of non-qualified candidates during the next gubernatorial election.

The Executive Director reported that he has addressed a variety of lobbying groups about the new lobbying regulations. He said that he addressed the New Jersey Utilities Association on September 24, the New Jersey Business and Industry Association on October 1, and the New Jersey Utilities Association again on October 11. Executive Director Herrmann said that Deputy Director Brindle and he discussed the regulations with a group from Jersey Central Power and Light (JCP&L) on September 26.

Executive Director Herrmann said that Associate Director of Compliance and Information Virginia Wilkes and he met with the Secretary of State and her staff to exchange information about each other's duties and to explore ways to improve further the working relationship between the Division of Elections and ELEC. He mentioned also that he participated in an interview about campaign financing with Channel 65 in Vineland. The Executive Director added that the COGEL steering committee approved the assumption of the ELEC Guide for publication and national distribution.

Executive Director Herrmann advised the Commission of the student intern program. He said that he personally has contacted the University of Pennsylvania and will be contacting Rutgers University about ELEC's intern program. The Executive Director said that he will be setting up an ongoing internship program with Professor Robert Duffy at Rider College.

Commissioner Bedford suggested that Drew University and Seton Hall University should be contacted.

Finally, Executive Director Herrmann praised Assistant Compliance Officer Carol Neiman for once again volunteering to run the New Jersey State Employees' Charitable Campaign. Every year she has done it, the Executive Director commented, she has won an award.

#### F. Budget and Staffing News

Executive Director Herrmann announced that Executive Secretary Carol Killingsworth resigned from her position on October 4, 1991, to take a higher paying position at the Department of Insurance. He said that she was an excellent employee, a fine secretary, and an even finer person and that she will be greatly missed.

The Executive Director said that only three secretaries remain at ELEC. He noted that three years ago seven secretaries worked at the Commission and even that number was too small. He advised the Commission that Carol Killingsworth carried a heavy load in that she assisted Legal Director Nagy, Deputy Director Brindle, and himself. He said that now all three are dependent on the remaining pool of secretaries. Executive Director Herrmann said that he had explored with the Attorney General the possibility of a loaner secretary but was told that ELEC would have to be charged.

Executive Director Herrmann reported that he has received a memorandum from Office of Management and Budget (OMB) Director Richard Keevey affirming ELEC's independence from the Attorney General's salary assessments and other charges. The Executive Director said that the initial assessment of \$86,000 will stand but that in the future, assessments will be calculated by OMB, not the Attorney General. Executive Director Herrmann added that a recent charge of \$873 for the Offices of Public Communications and Constituent Relations has been refunded. Executive Director Herrmann recognized Deputy Director Brindle and Director of Administration Barbra Fasanella for their work on this critical matter for ELEC's budget and independence.

Executive Director Herrmann noted that since August, the staff has been negotiating with the Attorney General's staff over the disbursement of legislative agent filing fees collected by the Department. He said that at stake is approximately \$39,000. The Executive Director said that on October 16, 1991, the Commission received a fax guaranteeing ELEC at least \$39,000 before January 1, 1992. Executive Director Herrmann thanked Deputy Director Brindle, Director Fasanella, as well as Legal Director Nagy for their assistance in this matter.

#### G. Future Meetings

The Commission will hold meetings on November 20, 1991, and December 18, 1991. Both meetings will be held in Trenton.

#### H. Schreiber Letter

Executive Director Herrmann expressed his gratitude to Commissioner Linett for sharing a letter from a Mr. Schreiber praising ELEC as "an agency that performs its work in an exemplary manner."

3. Resolution To Go Into Executive Session

On a resolution by Commissioner Linett, seconded by Commissioner Bedford and passed by a vote of 3-0, the Commission resolved to go into closed Executive Session to discuss the following matters which will become public as follows:

1. 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,
2. 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.

4. Adjournment

On a motion by Commissioner Linett, seconded by Commissioner Bedford and passed by a vote of 3-0, the Commission voted to adjourn at 11:55 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.