



State of New Jersey

**ELECTION LAW ENFORCEMENT COMMISSION**

William H. Eldridge  
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Owen V. McNany, III  
Vice Chairman

David Linett  
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FREDERICK M. HERRMANN, PH.D.  
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DEPUTY DIRECTOR

GREGORY E. NAGY  
LEGAL DIRECTOR

PUBLIC SESSION MINUTES

NOVEMBER 15, 1994

Chairman Eldridge, Vice Chairman McNany, Commissioner Linett, senior staff, and Deputy Legal Director Nedda Gold Massar were present.

Chairman Eldridge 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 9:00 a.m. at the New Somerset County Administration Building, Somerville, New Jersey.

1. Approval of Public Session Minutes of October 18, 1994

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission approved the Public Session Minutes of October 18, 1994.

2. Executive Directors' Report

A. Staff Activities

Executive Director Herrmann reported that the Compliance staff, headed by Evelyn Ford, once again successfully processed the 29- and 11-day preelection reports without any problems. The Executive Director said that everything was made public on schedule to assure adequate preelection disclosure.

Executive Director Herrmann reported that the new political action committee (PAC) Compliance Manuals and Forms will be ready for use in the 1995 elections.

The Executive Director announced that Ray Melendez has been hired as the new messenger. He said that Mr. Melendez started on November 14th in the Compliance area.

Executive Director Herrmann mentioned that on October 26, 1994, he spoke at a governmental forum sponsored by Public Strategies/Impact on PAC filing rules.

B. National Ethics News

Executive Director Herrmann advised the Commission that Ruth Jones, a long-time Council on Governmental Ethics Laws (COGEL) member and noted professor of political science at Arizona State University, has published an article entitled "U.S. State-Level Campaign Finance Reform" in Herb Alexander's newest book Comparative Political Finance Among the Democracies. The Executive Director said that Professor Jones refers to the Election Law Enforcement Commission (ELEC) along with sister agencies in Washington, Minnesota, and California as "the rare agency... that ventures to provide position papers, analyses, and policy relevant summaries or recommendations." Executive Director Herrmann indicated that the Commission for years has been cited in the political science literature as among the best ethics agencies in the nation for research, enforcement, and computerization.

C. Budget

Executive Director Herrmann disclosed that staff recently submitted the Commission's FY-96 budget request of \$1.28 million, which was the target given to it by the Office of Management and Budget (OMB) in the Department of Treasury. He stated that this target represents about a ten percent reduction (\$137,000) from the FY-95 budget, which was \$1.417 million. The Executive Director related that the Commission currently has 30 staff members, a level which is four fewer than it had in 1990 before the new lobbying and campaign financing laws were enacted. Executive Director Herrmann noted that the entire Department of Law and Public Safety, of which ELEC is in but not of, was cut by ten percent. He suggested that it is very hard for a small agency to sustain the same percentage cut as a large department. Executive Director Herrmann added that ELEC is independent of the Department and does not have to receive the same percentage cut.

Executive Director Herrmann advised the Commission that Deputy Director Brindle and Director of Administration Barbra Fasanella will meet with OMB to discuss the budgetary situation and that he would meet with the OMB Director if necessary.

Following a discussion of the budget, the Commission directed staff to attempt to get the cuts restored. The Commission suggested also that if the \$137,000 is not restored it would have to announce cuts in certain services.

E. Future Meetings

The Commission will meet on December 13, 1994 in Maplewood at 9:00 a.m.

The 1995 meeting schedule will be presented at the December meeting.

3. Proposed Regulation Concerning Annual Fee for Legislative Agents

For detailed information please see the memorandum from Gregory E. Nagy, Legal Director to Frederick M. Herrmann, Ph.D., Executive Director, dated November 7, 1994 and entitled "Regulation to Increase Lobbying Fee."

In the memorandum, it is estimated that the total cost of regulating approximately 600 legislative agents will amount to \$200,405, or \$334 per agent.

While not recommending a fee that would pass the entire cost of the program on to legislative agents, the staff proposed that the registration fee be increased to \$250 from \$200 to reflect more accurately costs incurred for salaries, equipment, printing, supplies, postage, and telephones related to the administration of the program.

Following a discussion of the proposal, the Commission modified the staff's recommendation and proposed that the new registration fee for legislative agents be \$325.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission directed staff to file with the Office of Administrative Law (OAL) the proposal at N.J.A.C 19:25-20.19 to increase the annual registration and filing fee of legislative agents from \$200 to \$325.

The new fee proposal will appear in the New Jersey Register on December 17. The comment period will expire on January 18, 1995 and the regulation could be adopted by February, 1995. The new rule would become effective the following March or April.

4. Resolution To Go Into Executive Session

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission moved 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.
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.

7. Adjournment

On a motion by Commissioner Linett, seconded by Chairman Eldridge and passed by a vote of 3-0, the Commission voted to adjourn at 10:10 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.