



*State of New Jersey*

**ELECTION LAW ENFORCEMENT COMMISSION**

RALPH V. MARTIN  
Chair

DAVID LINETT  
Vice Chair

PAULA A. FRANZESE  
Commissioner

Respond to:  
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FREDERICK M. HERRMANN, Ph.D.  
Executive Director

JEFFREY M. BRINDLE  
Deputy Director

GREGORY E. NAGY  
Legal Director

JAMES P. WYSE  
Counsel

PUBLIC SESSION MINUTES

February 18, 1997

The Commissioners, the Counsel, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present. Legal Director Gregory E. Nagy was not in attendance.

1. Open Public Meetings Statement

Chair Martin 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 11:00 a.m. in Trenton, New Jersey.

2. Approval of Public Session Minutes of January 17, 1997

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 3-0, the Commission approved the Public Session Minutes of January 17, 1997.

3. Executive Director's Report

A. Staff Activities

Executive Director Herrmann introduced the following newly hired staff.

- Leila Sabitsana, Public Financing Computer Assistant;
- Amy Davis, Compliance Officer;
- Pamela Kinsey, Public Financing Data Entry; and,
- Darlene Koslowski, Public Financing Data Entry;

Executive Director Herrmann announced that Barbara Swantko, Clerk, has left to take a position with the State Police. He added also that Kim Key,

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Compliance Officer, will be taking an extended leave of absence for medical reasons.

The Executive Director reported that the new Campaign Reporting Compliance Manual has been completed. He congratulated Director of Compliance and Information Evelyn Ford for doing a great job on the manual. Executive Director Herrmann said that one user told staff it is the “Cadillac of all Governmental Manuals.”

Executive Director Herrmann said that the Compliance and Information Section is hosting two informational sessions in April for the 1997 Primary.

Executive Director Herrmann reported that he addressed the Hillsborough Democratic Club on January 23, 1997, about the role of ELEC, the state of the current Campaign Act, and possible campaign finance reforms for the future.

The Executive Director reported to the Commission that he attended an Eagleton Institute Forum about fair campaign practices programs in Maine and Minnesota on January 29, 1997. He added that the Maine Code of Election Ethics and the Minnesota Compact were discussed as well as public financing programs in both states. Executive Director Herrmann informed the Commission that the Maine Code is an agreement among candidates to run fair, civil, and honest campaigns while the Minnesota Compact is an agreement among candidates, the media, and citizens to create a healthy campaign environment.

The Executive Director advised the Commission that on February 4, 1997, Deputy Legal Director Massar and he met with representatives from the State’s County Clerks to discuss the gubernatorial ballot statement program. He said that the Clerks were concerned with whether or not the \$155,000 recommended appropriation would be adequate. Executive Director Herrmann said that he suggested that they wait to see how many gubernatorial candidates filed nominating petitions in April before considering asking the Legislature to contemplate an increase in funding for the ballot statement program. The Executive Director said that he told the Clerks that ELEC would formulate at an early date its prorating procedures to help the Clerks with their budgetary planning.

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The Executive Director said that he also offered to work with the Clerks next year to develop a more cost-efficient substitute for the current program.

The Executive Director Herrmann said that on February 14, 1997, he attended the New Jersey Campaign Forum sponsored by the Eagleton Institute of Rutgers. He mentioned that after an address by Keynote Speaker Kathleen Hall Jamieson of the Annenberg School of Communications at the University of Pennsylvania, a Blue-Ribbon Panel, including Chair Martin, held a round table discussion on how to improve the conduct of campaigns.

Executive Director Herrmann next added special thanks to Deputy Legal Director Massar for doing her job and Legal Director Nagy's over the past two months. He said that Legal Director Nagy will be back on Monday, February 24, 1997.

B. Budget News

Executive Director Herrmann said that Governor Christine Todd Whitman has recommended a continuation budget for ELEC of \$2.1 million for FY-1997. He advised that \$650,000 of this amount is for the Public Financing Program.

C. Recomputerization

Executive Director Herrmann reported happily that materials for this Agenda are the first ones word-processed by our new computer system. He added that ELEC now has a Home Page as well. The Executive Director said that the Web address is <http://www.state.nj.us/lps/elec/>.

D. Future Meetings

Executive Director Herrmann noted that the Commission will meet on:

- March 25, 1997, at 11:00 a.m. in Trenton;
- April 15, 1997, at 11:00 a.m. in Trenton; and
- May 20, 1997, at 11:00 a.m. in Trenton.

Prior to the Public Hearing, the Commission presented a resolution to Carol Neiman, Systems Administrator, for her outstanding leadership with the recomputerization process.

4. Public Hearing Concerning Proposed New Rule and Amendments on Contributions to Minors

A public hearing was held at 11:15 a.m. on the Commission's proposed new rule and amendments concerning contributions from minors. Please see a copy of the proposal notice which appeared in the February 3, 1997 New Jersey Register.

A Court Reporter was present to record the hearing. No individuals submitted oral or written testimony on the proposed rule.

5. 1997 Gubernatorial Primary Election Debate Sponsor Selection

Director of Public Financing Massar presented the Application Form for use by organizations seeking to sponsor 1997 gubernatorial primary election debates. Director Massar also reviewed the process for selecting sponsors. Please see the Memorandum from Nedda G. Massar, Deputy Legal Director to Frederick M. Herrmann, Ph.D., Executive Director dated February 6, 1997 and entitled, "1997 Gubernatorial Primary Election Debate Sponsor Selection."

Director Massar outlined the following deadlines applicable to the 1997 gubernatorial primary election debates:

- March 17, 1997: Sponsor application filing deadline
- April 10, 1997: Last date for candidate to qualify to debate
- April 15, 1997: Commission meeting - sponsor selection
- April 16, 1997: Commission debate sponsor selection deadline
- April 16, 1997: Earliest date for debate
- May 23, 1997: Latest date for debate
- June 1, 1997: "Emergency" debate deadline

No primary election debate is required to be held if only one candidate for party nomination qualifies to receive public funds or elects to and qualifies to participate in the debates. The Commission accepted Director Massar's report and directed staff to circulate the debate sponsor application to organizations which have in prior years expressed interest in the primary election debates and to issue a press release to alert additional entities about the debate sponsor selection process.

Ms. Katherine Becker, President of the New Jersey League of Women Voters, asked if a sponsor would be required to do debates for both parties. Director Massar responded in the negative.

6. 1997 Gubernatorial Primary Election Public Funds Submission

Director of Public Financing Massar reported that on February 10, 1997, Democratic Gubernatorial Candidate James E. McGreevey submitted an application for public matching funds with \$336,925.18 in net contributions for match. She indicated that this submission is the only one made so far. Director Massar said that assuming all contributions are eligible, after the first \$69,000 are subtracted from the total, Candidate McGreevey would be eligible to receive \$535,850.36 in matching funds. Under the statute, the initial \$69,000 of a qualifying candidate's first submission is never matched. Director Massar said that the next submission date is February 24, 1997.

7. Resolution to Go Into Executive Session

On a motion by Vice Chair Linett, seconded by Commissioner Franzese 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:

- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public no later than 35 days after mailing.
- B. Investigative Reports of possible violations, which reports will not become public. However, any complaint generated as the result of an Investigative Report will become public no later than 50 days after mailing.

8. Return to Public Session

On a motion by Commissioner Franzese, seconded by Vice Chair Linett and passed by a vote of 3-0, the Commission voted to return to public session.

9. Adjournment

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 3-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director