



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

November 18, 1998

Chair Martin, Commissioner Franzese, Commissioner Ware, the Counsel, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present.

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.*, adequate 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 October 28, 1998

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 3-0, the Commission approved the Public Session Minutes of October 28, 1998.

Vice Chair Linett arrived at this point.

3. Executive Director's Report

A. National Ethics News

Executive Director Herrmann reported that the United Kingdom's Commission of Standards in Public Life (Neill Commission) has proposed to Parliament the creation of an American-styled election commission to enforce campaign financing disclosure laws. He noted that the National Newsletter Election Administration Reports wrote in a recent story that "ELEC has been widely commended for providing not only comprehensive campaign finance data but also for research and analysis about the effects of campaign finance law in New

Jersey. Over the years ELEC has published 12 white papers relating to campaign spending and campaign finance.”

B. New Staff

Executive Director Herrmann introduced Anthony Giancarli, who joined the Computer Section on November 9th as an Assistant Systems Administrator.

C. Staff Activities

The Executive Director mentioned that Director of Compliance and Information Evelyn Ford has instituted a new procedure for processing telephone calls more efficiently. According to Executive Director Herrmann, all Compliance officers have had a second line installed on their telephones. He said that candidates and treasurers who are delinquent filers now have direct access to the Compliance staff without having to go through the switchboard. Executive Director Herrmann stated that this new system reduces the volume of calls received by the receptionists thereby making it easier for general calls to be answered promptly.

The Executive Director informed the Commission that on October 26, 1998, he met with three Eagleton Institute graduate students to discuss Campaign Finance Reform in New Jersey.

Executive Director Herrmann mentioned that on October 27, 1998, he was a guest speaker at a roundtable for a dozen Russian election officials, lawmakers, and academic experts. According to Executive Director Herrmann, this event was sponsored by the International Foundation for Election Systems (IFES) in Washington, D.C. He said that his topic was “Effective Reporting, Disclosure, and Dissemination of Campaign Finance Information.” Executive Director Herrmann said that ELEC’s Internet project was highlighted. He noted that also speaking were Trevor Potter, a former Chair of the Federal Election Commission, and Matt Keller of National Common Cause. Executive Director Herrmann said that he provided the Russian guests with various ELEC publications. He said that an IFES representative praised ELEC’s reputation for doing original research.

Executive Director Herrmann said that on November 4, 1998, he participated in a conference call of the COGEL Publications Committee. He said that he suggested republishing the Blue Book, which was last printed in 1993; turning the Guardian newsletter into a magazine; and developing a marketing strategy for distributing COGEL’s numerous publications. He said that the Committee Co-chairs asked him to draft a memorandum from the Publications Committee to the Long Range Planning Committee on these ideas.

Executive Director Herrmann reported that on November 9, 1998, Deputy Director Brindle and he attended a conference in New York City entitled, "From the Ground Up: Local Lessons for National Reform" sponsored by the New York City Campaign Finance Board and the Association of the Bar of the City of New York. According to the Executive Director, it was the first national conference to bring local administrators together with lawmakers, journalists, and reformers. Executive Director Herrmann said that the goal of the conference was to examine campaign finance reforms at the State and local levels with the purpose of identifying those reforms that could be usefully imported to the Federal level. He advised that he served on a panel about the limitations of a disclosure only approach to campaign financing regulation. Executive Director Herrmann informed the Commission that other participants were:

- Jill Abramson of The New York Times;
- Congressman John Doolittle of California;
- John Feerick, the Dean of the Fordham University Law School;
- John Fund from the Wall Street Journal's Editorial Board;
- Bill Green, former New York Congressman and Member of the New York City Campaign Finance Board;
- Harold Ickes, former White House Deputy Chief of Staff;
- Ed Koch, former Mayor of New York City;
- Larry Makinson, the Executive Director of the Center for Responsive Politics;
- Larry Noble, the Chief Counsel of the Federal Election Commission;
- Father Joseph O'Hare, the President of Fordham University and Chair of the New York City Campaign Finance Board;
- Trevor Potter, former Chair of the Federal Election Commission;
- Congressman Christopher Shays of Connecticut; and
- Bob Stern from COGEL.

The entire proceedings were televised live on C-Span, he said.

D. Future Meetings

December 16, 1998 at 11:00 a.m. in Trenton.

4. 1999 Meeting Schedule

Executive Director Herrmann presented the 1999 Meeting Schedule prepared by the staff.

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission adopted the meeting schedule for 1999.

5. Adoption of Rule On Signature Requirements of Limited Liability Entities

At its July, 1998 meeting, the Commission proposed to amend the rule concerning contributions from partners by deleting the existing requirement that each partner or member of a partnership or limited liability entity must sign an authorization in order for a contribution to be allocated to the partner or member as an individual. The change is effective only in the case of a partnership entity that is issuing a check from the partnership's account to a continuing political committee (CPC) established and controlled by the partners or members of the partnership or limited liability entity. In all other cases, such as a check from a partnership account to a candidate committee, the signature requirement remains in effect. The proposed new rule and amendments are at N.J.A.C. 19:25-11.10 and N.J.A.C. 19:25-11.2.

No persons appeared to testify at the public hearing conducted at the October 28, 1998 Commission meeting. No written comments on the proposal were received.

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission adopted the Rule On Signature Requirements of Limited Liability Entities and directed staff to file the Notice of Adoption and Record of Opportunity to Be Heard with the Office of Administrative Law.

6. Resolution to Go Into Executive Session

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

- 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.

7. Return to Public Session

On a motion by Commissioner Franzese, seconded by Vice Chair Linett and passed by a vote of 4-0, the Commission voted to return to Public Session.

8. Adjournment

On a motion by Vice Chair Linett, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted to adjourn at 12:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz