



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

September 19, 2003

All of the Commissioners and Counsel Wyse participated by telephone. Senior Staff were present.

1. Open Public Meetings Statement

At the direction of the Chair, Executive Director Herrmann 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 July 17, 2003

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission approved the Public Session Minutes of July 17, 2003.

3. Executive Director's Report

A. National News

Executive Director Herrmann reported that Senator John McCain (R-Arizona) and Senator Russell Feingold (D-Wisconsin) have introduced into the U.S. Senate and Representative Christopher Shays (R-Connecticut) and Representative Marty Meehan (D-Massachusetts) have introduced into the House of Representatives legislation that would replace the Federal Election Commission (FEC) with a new powerful regulatory agency.

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According to the Executive Director, the Chair would serve for 10 years and the other Commissioners would serve for six years. Each would represent one of the two parties. Executive Director Herrmann noted that Administrative Law Judges would adjudicate complaints and that the new agency could be empowered to bring complaints and assess penalties. Executive Director Herrmann mentioned that he had met Representative Shays last year at the Northeastern Regional Conference on Lobbying (NORCOL) and gave him a copy of his Public Integrity article about strengthening ethics agencies. The new agency's structure is much more consistent with the "strong agency model" as represented by ELEC.

B. Staff Activities

Executive Director Herrmann announced that Assistant Review Officer Amy Davis has been promoted to Director of Public Financing effective October 4, 2003.

The Executive Director stated that on July 25, 2003, Legal Director Massar spoke to a group of students from the Governor's School on Public Policy about the work of the Commission. The Executive Director informed the Commission that she presented an interactive program reviewing the Commission's web site and the variety of information found on it.

Executive Director Herrmann indicated that Director of Systems Administration Carol Neiman has introduced an enhanced version of electronic filing software for a pilot run in this fall's general election. The Executive Director noted that the new software contains campaign management tools and is a prelude to Internet filing. He said that a number of candidates will be testing it this fall. The Executive Director added that the Commission has sold out its supply of training session videotapes. According to Executive Director Herrmann, ELEC was the national pioneer in the use of a taped session to supplement the holding of live seminars. He mentioned that this time and money saving initiative has proven very popular and that more tapes have been ordered.

Executive Director Herrmann advised the Commission that on September 15, 2003, he was interviewed by New Jersey Network Senior Correspondent Michael Aron about the Hudson County case ruling on the coverage of the Campaign Act. The Executive Director said that ELEC's position is that the Act's contribution limits cover the primary as well as the general election. He stated that in a meeting requested by the Attorney General later in the day, Legal Director Massar and he reiterated the Commission's position while reviewing relevant portions of the law.

C. Budget

In August, the Office of Management and Budget informed the staff that due to a \$15 million reduction in the State's central salary account, ELEC's salary program money was being reduced by \$50,000. He informed the Commission that this reduction will not affect this year's budget, but it will reduce future ones. The Executive Director stated that due to our conservative budgetary planning, no one has to be laid off.

D. NORCOL Conference

Executive Director Herrmann advised the Commission that on August 15, 2003, Director of Compliance and Information Evelyn Ford, Director of Systems Administration Neiman, and he attended the 16th Annual NORCOL meeting in Harrisburg, Pennsylvania. He said that 17 participants represented 4 states and one county in Maryland. Executive Director Herrmann added that 7 guests also attended representing the Pennsylvania Legislature, the Democratic and Republican parties, the lobbying community, and Common Cause. According to Executive Director Herrmann there were three excellent speakers:

- Representative Greg Vitali of the Pennsylvania House of Representatives who spoke about lobbying reform in his State;
- Ken Gross, Esq., a nationally prominent ethics law expert, who reviewed trends in lobbying regulation across the country; and
- Elizabeth Bartz, President and Chief Executive Officer of State and Federal Communications, who provided practical insight regarding how lobbying regulators can improve their processes, forms, and systems to facilitate compliance.

At the conference, Executive Director Herrmann presented a review of ELEC's efforts at lobbying regulation during the "annual member updates" segment of the program. He also distributed copies of the Commission's publication "Lobbying in New Jersey 2003," which includes:

- A Legislative History,
- Statistics,
- Proposed Legislation,
- A Commentary,
- A Bibliography,
- Forms and Instructions, and
- Regulations.

Executive Director Herrmann noted that at the business meeting, it was decided to recouple the annual conference with the Council of State Governments-Eastern Regional Meeting, which would be held next year in Springfield, Massachusetts. Executive Director Herrmann informed the Commission that the NORCOL President asked him to contact the new Governor of Vermont, Jim Douglas, to appear as next year's keynote speaker. Governor Douglas served as NORCOL's President during the late eighties when he was the Secretary of State of Vermont.

E. Fall Meeting Schedule

- October 10, 2003, at 11:00 a.m. at Seton Hall Law School;
- November 17, 2003 at 11:00 a.m. in Trenton; and
- December 17, 2003 at 11:00 a.m. in Trenton.

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Chair Martin praised ELEC's Executive Director Frederick M. Herrmann for his fine work on Lobbying in New Jersey 2003.

4. Resolution to go into Executive Session

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission resolved to go into 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 not later than seven business days after mailing to the named respondents.
- 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 not later than seven business days after mailing to the named respondents.

5. Return to Public Session

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

6. Adjournment

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission voted to adjourn at 12:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz