



*State of New Jersey*

## ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH  
Chair

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Vice Chair

ALBERT BURSTEIN  
Commissioner

THEODORE Z. DAVIS  
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Legal Director

EVELYN FORD  
Compliance Director

JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

January 17, 2006

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Davis, and Counsel Wyse participated by telephone. Senior staff was present.

#### 1. Open Public Meetings Statement

Chair English called the meeting to order, and Executive Director Herrmann 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 10:00 a.m. in Trenton.

#### 2. Approval of Public Session Minutes of December 20, 2005

On a motion by Commissioner Davis, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission approved the Public Session Minutes of December 20, 2005, with an amendment concerning the "Acknowledgement" page of White Paper Number 18.

#### 3. Executive Director's Report

##### A. Building Renovations

Executive Director Herrmann reported that two of the three new automatic elevators have been installed in the building, indicating that it is now much easier for staff to travel from floor to floor. He said that this ability is especially important with the recent relocation of staff to the eighth floor.

The Executive Director announced that during the month of January, the Commission offices are being repainted by building management at no cost to ELEC.

B. Staff Activities

According to Executive Director Herrmann, the new Internet training program for campaign and organizational treasurers went “live” on December 20<sup>th</sup>, 2005. He advised the Commission that this new initiative was referenced in the “important information” box on the ELEC homepage to highlight it. In addition, Executive Director Herrmann noted that the Compliance Division staff has scheduled six “in person” training sessions, starting in January and running through March. The Executive Director stated that Associate Compliance Officer Kim Key and Assistant Compliance Officer Nancy Fitzpatrick will be conducting these sessions in the new “High Tech” room on the 8<sup>th</sup> floor.

According to Executive Director Herrmann, lobbying training sessions have also begun. He added that because of the great changes in the new lobbying law, the Compliance Division staff is conducting an extensive series of sessions to familiarize the lobbying community with the many changes that have occurred. Executive Director Herrmann mentioned that Compliance Director Evelyn Ford spoke at six sessions in December and that eight more sessions were scheduled for January. The Executive Director informed the Commission that Director of Campaign Financing & Lobbying Linda White is conducting six of these, while Compliance Director Ford will run two of them for utility lawyers. He said that additional sessions are also scheduled in February and March for a total of 25 sessions.

Executive Director Herrmann noted that there are now 670 registered lobbyists which is an increase of 88 over last year’s figure. The Executive Director indicated that this number represents the highest number of lobbyists since ELEC took over the program in 1982, and that, under the new lobbying law, it is anticipated that the number will continue to rise.

C. Legislative Update

Executive Director Herrmann reported that the Assembly Committee Substitute for A-3013 and A-3421 (Greenstein et al.), which creates a Pay-to-Play Disclosure Program, passed the Senate on December 8<sup>th</sup>, 2005 and was signed by Governor Richard J. Codey on January 5<sup>th</sup>, 2006. The Executive Director said that this legislation supplements the current Pay-to-Play Prohibition Law, for which ELEC is currently doing regulations. He stated that under this new law, a business entering into a non-publicly advertised contract over \$17,500 must file a list of contributions over the past year with the public entity with which it wants to contract. Dr. Herrmann informed the Commission that a State public entity shall receive a list of contributions of over \$300 to political party committees (PPCs), legislative leadership committees (LLCs), political action committees (PACs), and gubernatorial and legislative candidates. According to the Executive Director, a local public entity shall receive a list of contributions of over \$300 to PPCs, LLCs, PACs, and candidates in the same legislative district and county as the public entity.

Public Session Minutes

January 17, 2006

Page 3

Moreover, he added, a business with public contracts of \$50,000 or more must file an annual ELEC report listing all contributions over \$300 to PPCs, LLCs, PACs, and any candidate with the “ultimate responsibility for awarding of public contracts.” The Executive Director stated that various contracting information must be reported as well.

He advised the Commission that business reporting is “broadly defined” to include contributions by: interests over 10%, subsidiaries, controlled PACs, officers, and spouses. Executive Director Herrmann said that ELEC can fine a business based upon the amount not reported. He said that as with the Pay-to-Play Prohibition Law, ELEC does not determine whether or not a contract is in effect. Executive Director Herrmann noted that a provision of the Pay-to-Play Disclosure Law allows local governments to establish their own pay-to-play programs outside of the State law.

D. Winter Meeting Schedule

- February 21, 2006 (Pay-to-Play Prohibition Regulations Hearing) at 10:00 a.m. in Trenton; and,
- March 21, 2006 (Gubernatorial Public Financing Hearing on Debates) at 11:00 a.m. in Trenton.

4. Report on Reimbursement of 2005 Gubernatorial Ballot Statement Costs

Director of Public Financing and Communications Amy Davis reported to the Commission on administration of the gubernatorial ballot statement program, which permits each gubernatorial candidate to place a statement, not exceeding 500 words, on the general election sample ballots in each of the 21 counties. She said that in the 2005 general election, all ten gubernatorial candidates submitted statements by the August 22, 2005 deadline.

Director Davis recommended that the Commission approve payments totaling \$499,577.29 to the 21 county clerks for reimbursement of 2005 Gubernatorial Ballot Statement costs.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission approved the recommendation of staff.

5. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Commissioner Davis and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and 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.

Public Session Minutes

January 17, 2006

Page 4

- 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.
- C. A report on requests from the public for investigations of possible violations, which report will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.

6. Adjournment

On a motion by Commissioner Burstein, seconded by Commissioner Davis and passed by a vote of 4-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz