



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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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
Legal Counsel

PUBLIC SESSION MINUTES

October 17, 2006

Chair English, Vice Chair Tober, Commissioner Burstein, Counsel Wyse, and Senior Staff were present. Commissioner Davis was absent.

1. Open Public Meetings Statement

Chair English 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 11:10 a.m. in Trenton.

2. Approval of Public Session Minutes of September 19, 2006

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission approved the Public Session Minutes of September 19, 2006.

3. Executive Director’s Report

A. Commissioner News

Executive Director Herrmann announced that on September 26, 2006, Chair English and Commissioner Burstein participated in a Brendan Byrne Colloquium at the Eagleton Institute of Rutgers University. He mentioned that in her presentation, the Chair compared State campaign financing regulation during the Byrne years with today. The Executive Director noted that two major changes were the incredible increase in the costs of campaigning and the creation of an independent body, ELEC, to administer and enforce the law.

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Executive Director Herrmann informed the Commission that on October 13, 2006, the New Jersey Commission on Professionalism in the Law held its annual Professionalism Awards Luncheon. According to the Executive Director, Commissioner Burstein received the 2006 Daniel J. O'Hern Award in recognition of his commitment to professionalism, career achievement, and service to the legal profession and the community. Executive Director Herrmann reported that the keynote speaker was the Chair of the State Ethics Commission, Paula A. Franzese, who was the former Vice Chair of ELEC.

B. Staff Activities

The Executive Director stated that on August 4, 2006, Senior Compliance Officer Kim Key and Associate Compliance Officer Titus Kamal staffed an America's Union Movement (AFL-CIO) seminar at the Eagleton Institute. Executive Director Herrmann advised the Commission that this seminar is a training session for union members who wish to seek public office. He added that in August, 2006, Senior Compliance Officer Key and Associate Compliance Officer Nancy Fitzpatrick ran three treasurer training seminars for continuing political committees and candidates.

The Executive Director related that the Compliance Division has now issued training certificates to 560 persons and, in addition, held one lobbying training session in August, 2006. According to Executive Director Herrmann, there are now 972 registered governmental affairs agents up from 613 at the end of 2005.

Executive Director Herrmann disclosed that as part of the Finance and Administration Section's continuing efforts to provide quality human resource support to ELEC employees, the Section sponsored an in-house information seminar on September 21, 2006. He said that a representative from the Department of Personnel's Human Resource Development Institute informed the staff of various services the Institute offers State employees.

C. Computer Update

The Executive Director reported that Webmaster Maryanne Garcia has designed an "Electronic Filing Brochure" for use by candidates who wish to file their short forms over the Internet. Executive Director Herrmann stated that about 700 candidates for the general 2006 election will receive copies along with the Commission's routine reminder mailing. He added that the Short Form Electronic Filing Program was started by ELEC in early August, 2006.

Executive Director Herrmann mentioned that the Information Technology Section is working on electronic filing for businesses regulated by the Pay-to-Play Disclosure Law. Under this law, he said, all businesses receiving \$50,000 or more in a year from New Jersey government entities need to file annually with ELEC a list of campaign contributions over \$300.00. Executive Director Herrmann asserted that staff estimates that the new reports that will be filed could be in the tens of thousands, perhaps doubling the number of reports filed with the Commission each year.

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D. Council on Governmental Ethics Laws (COGEL) Information

The Executive Director informed the Commission that COGEL President Eric Turner of Connecticut has asked him to serve another term on the Editorial Board of Public Integrity. He indicated that this journal is the touchstone publication on ethics and leadership for public service, featuring original articles on a broad spectrum of ethical concerns in local, state, national, and international affairs. Executive Director Herrmann noted that the Editorial Board is comprised of practitioners and scholars from all over the world. Dr. Herrmann said that he will be serving his fourth term and is the only original board member still active.

Executive Director Herrmann announced that Director of Information Technology Carol Neiman, a member of the COGEL Technology Committee, has been assisting the committee's chair with getting conference information onto the COGEL website and other computer issues.

The Executive Director advised the Commission that based on the new State travel request policy, he has applied for permission to join Legal Director Massar at the COGEL conference in December. He said that if he is allowed to attend, he would be serving on a pay-to-play panel, chairing a breakfast table topics discussion on candidate debates suggested by Chair English, and assisting with the awards ceremony.

E. Fall Meeting Schedule

November 21, 2006 at 11:00 a.m. in Trenton; and,
(Pay-to-Play Disclosure Regulations Public Hearing)

December 19, 2006 at 11:00 a.m. in Trenton.
(Post meeting Commissioner/Staff Reception)

Chair English stated that it was important that the Commission's budget maintains an even track with its increased responsibilities. She said that the Commission cannot do the job without the right level of staffing, up-to-date technical equipment, and an adequate budget.

Chair English asked Frank Dominguez, Deputy Chief Counsel to the Assembly Republican staff, if he would like to address the Commission.

Mr. Dominguez stated that he was pleased to attend the meeting and to listen and learn.

Chair English spoke of the upcoming public hearing on pay-to-play proposed regulations and stated that it was vital that the public participate in the hearings.

Chair English also suggested that Commission staff reach out to invite legislative staff to learn of the Commission's responsibilities under the Campaign Act and the Pay-to-Play Laws.

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Chair English next congratulated Deputy Director Brindle, and all who helped, on the completion of the 19th White Paper. She noted that the findings were covered by the press.

4. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, 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.
- B. 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.

5. Adjournment

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission voted to adjourn at 1:45 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz