



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Chair

PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
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Legal Director

EVELYN FORD
Compliance Director

JAMES P. WYSE
Legal Counsel

PUBLIC SESSION MINUTES

April 20, 2007

Chair English, Vice Chair Tober, Commissioner Burstein, and Senior Staff were present. Counsel Wyse 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 2:00 p.m. in Trenton.

Chair English, on behalf of the Commission, wished Governor Corzine a thorough and efficient recovery from his automobile accident injuries.

2. Approval of Public Session

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 March 20 and March 30, 2007.

3. Executive Director's Report

A. State Ethics Commission Filing Update

Executive Director Herrmann mentioned that pursuant to a request from the Attorney General, Commissioners should file their Financial Disclosure Statement forms with the State Ethics Commission by May 1st, 2007. He said that each Commissioner should then notify Barbara Haley of the Office of the Attorney General by email (barbara.haley@lps.state.nj.us) that the statement has been filed and the date on which the filing occurred. He said that if a Commissioner is unable to meet the deadline, the Attorney General has directed that he be notified at stuart.rabner@lps.state.nj.us.

B. Staff Activities

The Executive Director reported that Division of Special Programs Director Amy Davis and her staff presented a second Pay-to-Play seminar on March 22, 2007 at the Mercer County Community College. Executive Director Herrmann noted that based on the many responses to the evaluation forms that were passed out, Director Davis and her section did an outstanding job of explaining the law's complex requirements. He stated that in particular, Director Davis' remarks and her PowerPoint Presentation were very well received.

Executive Director Herrmann alerted the Commissioners to the fact that on March 26, 2007, he participated in the annual meeting of the Public Integrity Editorial Board held at the American Society for Public Administration Conference in Washington, D.C. He indicated that the board reviewed: manuscript processing, book reviews, a biographical profile series, the content of forthcoming issues, and activities of the journal's publisher M.E. Sharpe. According to Executive Director Herrmann the group complimented him on his 1997 journal article on the structuring of ethics agencies that has become widely used in the field of public administration.

The Executive Director stated that the Compliance Division reports that there are now 660 trained treasurers and 1,018 lobbyists. Dr. Herrmann also told the Commissioners that he recently finished the Seventh Edition of the “COGEL Campaign Financing and Lobbying Bibliography.” He handed out copies to the Commissioners and said that the bibliography not only lists the standard references in the field but also presents the many general overviews of democratic government that establish a context for campaign finance and lobbying studies. Executive Director Herrmann mentioned that the new edition of 226 pages includes over 400 more entries than its predecessor. He said that a searchable version will be available on the COGEL website while bound copies will be available for purchase at the Commission for five dollars. The Executive Director thanked Research Associate Steve Kimmelman, Administrator Elbia Zeppetelli, and Executive Secretary Maureen Tilbury for their invaluable assistance on the project.

C. Legislative Developments

Executive Director Herrmann reported that on May 28, 2007, he was invited to attend Governor Jon S. Corzine’s signing of the 2007 Clean Elections Pilot Project Act. The Executive Director noted that Assemblywoman Linda Greenstein, a former member of the 2005 Clean Elections Commission, very kindly complimented ELEC for its work on the previous pilot project of that year.

Executive Director Herrmann added that on April 12, 2007, Deputy Director Brindle, Director of Finance and Administration Gary Alpert, and he attended the Department of Law and Public Safety’s Assembly Budget Hearing. According to the Executive Director, ELEC received one technical question about the display of the Clean Elections administrative appropriation in the budget book.

D. Annual Report

At this juncture Executive Director Herrmann presented a draft of the 2006 Annual Report to the Commissioners, indicating that it is due to the Legislature prior to May 1st. The Executive Director thanked the Project Manager, Deputy Director Brindle, and the rest of the staff who helped him put the report together. He then asked the Commissioners to contact him if they had any comments or suggestions.

E. Spring/Early Summer Meeting Schedule

- May 15, 2007 at 11:00 a.m. in Trenton;
- June 19, 2007 at 11:00 a.m. in Trenton; and
- July 17, 2007 at 11:00 a.m. in Trenton.

4. Proposed New Rules to Implement the 2007 Clean Elections Pilot Project

A discussion was conducted regarding the special adoption of rules to implement the 2007 Fair and Clean Elections Pilot Project Act (P.L. 2007, c.60), which was signed into law by Governor Corzine on March 28, 2007. Legal Director Massar summarized the major topics covered in the rules: definitions unique to Clean Elections, including the “qualifying period,” “seed money contribution,” “qualifying contribution,” and Clean Election “Fund”; the requirement to file a Declaration of Intent to be a Certified Candidate; the requirement to collect 400 qualifying contributions to become a certified candidate; the requirement to file weekly submissions to become a certified candidate; the types of Clean Elections funds, including grant money and “rescue money”; the limitations on spending by a certified Clean Elections candidate; candidate ballot statements; and the Clean Elections debate requirement.

The following were recognized by the Chair and offered comments:

Ingrid Reed, Director, Eagleton New Jersey Project

Sandy Matsen, League of Women Voters of New Jersey

Marilyn Carpenteyro, New Jersey Citizen Action

Gina Laplaca, Assembly Majority Office

Frank Dominguez, Assembly Minority Office

Commissioner Burstein suggested that the rules clarify that Clean Elections candidates are not permitted to participate in joint candidates committees and that the rules include a definition of “rescue money.”

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission approved the special adoption text presented by staff, with the modification suggested by Commissioner Burstein, and directed staff to file the special adoption at the Office of Administrative Law.

A court reporter was available to record the proceedings. The transcript will be available to the public for inspection upon request.

5. 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.

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- 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.

6. Adjournment

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission voted to adjourn at 4:40 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz