



*State of New Jersey*

## ELECTION LAW ENFORCEMENT COMMISSION

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Chair

PETER J. TOBER  
Vice Chair

ALBERT BURSTEIN  
Commissioner

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### PUBLIC SESSION MINUTES

December 18, 2007

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

#### 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 11:00 a.m. at the State House Annex in Trenton.

#### 2. Approval of Public Session Minutes of November 20, 2007

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 November 20, 2007.

#### 3. Approval of Public Session Minutes of November 29, 2007 special meeting

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 November 29, 2007.

4. Executive Director's Report

A. Staff Activities

Executive Director Herrmann expressed congratulations to Carol Hoekje upon being named ELEC's new Legal Director. The Executive Director said that Legal Director Hoekje is a graduate of Cornell University and its Law School and that she also holds a Masters Degree in Education from the University of Kansas. According to Executive Director Herrmann, the new Legal Director has been on the ELEC staff for 13 years as Director of Review & Investigation and more recently as Deputy Legal Director. He said that she also worked for the State Commission of Investigation for nine years and was a Branch Chief for the Federal Securities and Exchange Commission.

Executive Director Herrmann mentioned that the Compliance Division reports that it has now trained 1,029 treasurers and has registered 1,041 lobbyists.

The Executive Director stated that the Special Programs Section reports that 2,339 business entities have filed pay-to-play reports with the Commission.

B. Legislative Developments

Executive Director Herrmann advised the Commission that Governor Jon S. Corzine signed three bills on November 2, 2007 that fall under ELEC's jurisdiction. They are:

- S-222 (Karcher et al.) which prohibits campaign contributions by public agencies,
- S-2505 (Codey et al.) which requires reporting by lobbyists of earmarks, and
- S-2506 (Codey, et al.) which prohibits candidates from contributing to charities in which they or their families have an interest.

C. Clean Elections Survey

The Executive Director noted that according to surveys conducted recently by the Rutgers University Eagleton Institute of Politics and the Fairleigh Dickinson Public Mind Poll, voters in the three clean election districts were more likely than other voters around the State to say their races focused on the issues.

Executive Director Herrmann informed the Commission that 41 percent of the Clean Elections' voters said their races stressed issues while only 25 percent of Statewide voters did so. He said that one of the pollsters called this finding "a huge difference." Moreover, the Executive Director indicated that the polls found voters had heard more about the Clean Elections Program this year than in 2005, when the first Pilot Project was held.

According to Executive Director Herrmann, in the clean districts, 44 percent of likely voters knew something about the program compared to only 29 percent in 2005.

Executive Director Herrmann mentioned that ELEC was given \$600,000 to publicize the program and that apparently the advertising was effective.

D. 2007 Legislative Elections Spending Summary

Executive Director Herrmann advised the Commission that spending in the 2007 legislative races set a new record and that nearly \$69 million was spent for both the primary and general. He said that this figure is 21 percent higher than the previous record of \$57 million set in 2003, the last time that both houses were running. The Executive Director asserted that in the general election of 2007, \$43.4 million was spent as compared to \$40.4 million in 2003.

Executive Director Herrmann reported that according to Joe Donohue of the Star-Ledger, the “totals in six districts topped the \$2 million mark, a threshold never crossed before this decade.” He added that “four of this year’s races are among the top 10 most expensive races of all time” and that “spending surpassed \$1 million in 10 districts—one out of four.”

The Executive Director added that Greg Volpe of Gannett pointed out that “more than half of the legislative spending was geared toward six races.” He commented to the Gannett reporter that one of the reasons for the increased spending is “campaign inflation.” Executive Director Herrmann noted that “the inflation rate for campaign spending is always on a higher level than general inflation . . . because media expenses tend to inflate at a higher rate than the consumer price index.”

Executive Director Herrmann again thanked Compliance Director Ford, Director of Information Technology Carol Neiman, and their staffs for compiling the legislative data that was put to such great use by the State’s media in presenting the public with an outstanding overview of this year’s campaign financing activity.

E. Winter Meeting Schedule

- January 15, 2008 at 11:00 a.m. in Trenton;
- February 19, 2008 at 10:00 a.m. in Trenton; and,
- March 18, 2008 at 10:00 a.m. in Trenton.

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5. Public Hearing concerning Administration of the 2007 Fair and Clean Elections Pilot Project (P.L.2007, c.60)

Chair English announced that a public hearing was being conducted to elicit public comment concerning the administration of the 2007 Fair and Clean Elections Pilot Project.

A court reporter was present to record the testimony. The transcript will be available to the public upon request.

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission adjourned the public hearing.

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 3:45 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz