



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PETER J. TOBER
Vice Chair

ALBERT BURSTEIN
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PUBLIC SESSION MINUTES

August 25, 2005

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Davis, and Counsel Wyse participated by telephone. Executive Director Herrmann, Deputy Director Brindle and Legal Director Nedda Massar were present.

1. Open Public Meetings Statement and Approval of Special Meeting

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., notice of this special telephonic meeting of the Election Law Enforcement Commission was announced for August 25, 2005, at 2:00 P.M., at the Commission's offices, and was distributed at approximately 10:00 A.M. that day to the entire State House press corps and was filed with the Secretary of State's Office. It was also posted on the Commission's website.

Executive Director Herrmann said that the Commission believes that it is in the public interest to act expeditiously upon the requests for an advisory opinion received from Assembly Candidates Louis Greenwald and Samuel Thompson who are seeking to become certified as Clean Elections candidates in the 2005 general election Clean Elections Pilot Project. The deadline for accepting qualifying contributions to become certified as a Clean Elections candidate is 4:00 P.M. on September 7, 2005.

The agenda of this special meeting will be limited to consideration of the advisory opinion requests from the Assemblymen.

In light of the fact that notice for this special meeting was not given 48-hours prior to the meeting, Executive Director Herrmann suggested that there be a motion and vote to enact a resolution authorizing the holding of this special meeting to establish that a delay for the purpose of providing adequate notice would result in substantial harm to the public interest.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission voted to authorize the holding of the special Commission meeting because a delay for the purpose of providing adequate notice would result in harm to the Clean Elections Pilot Project.

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The meeting convened at 2:00 p.m. in Trenton.

2. Advisory Opinion Request No. 03-2005

Legal Director Massar explained that the Commission received requests for an advisory opinion from Candidates Louis Greenwald (District 6) and Samuel Thompson (District 13), who have asked whether or not, in light of the requirement in the Clean Elections Pilot Project that qualifying contributions be received by means of either a check or money order, they may use a “check card process associated with one’s checking account” to accept \$5.00 and \$30.00 Clean Elections qualifying contributions. Candidates Greenwald and Thompson have asked the Commission to consider their request for an advisory opinion in an expedited manner because of the unique time constraints imposed by the Fair and Clean Elections Pilot Project.

Director Massar explained the staff recommendation that the Clean Elections candidates be permitted to use a “check card process,” under specific conditions, as a means of accepting qualifying contributions in the 2005 Clean Elections Pilot Project. Staff further recommends that the response to the candidates specifically limit the application of the advisory opinion to the 2005 Clean Elections Pilot Project because of the unique requirements of the program.

A court reporter was present to record the Public Session discussion. The following persons appeared and offered comments on the advisory opinion request:

- William E. Schluter, Former State Senator and Chair of the New Jersey Citizens Clean Elections Commission, and
- William Castner, Chief Counsel to the New Jersey Assembly Democratic Office.

On a motion by Commissioner Burstein, seconded by Commissioner Davis and passed by a vote of 4-0, the Commission approved the staff recommendation and authorized staff to issue the advisory opinion response to Candidates Greenwald and Thompson.

The transcript will be available to the public upon request.

3. Adjournment

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission voted to adjourn at 2:45 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director