
Commission Meeting

of

NEW JERSEY CITIZENS' CLEAN ELECTIONS COMMISSION

“Briefing from Ms. Ingrid Reed, of the Eagleton New Jersey Project, regarding the committee of academics who have formed to offer advice and assistance; plus open discussion of the results of the primary elections in legislative districts identified by P.L. 2004,c. 121, and the maximum grant amounts for clean elections candidates in those districts”

LOCATION: Rutgers Student Center
Rutgers University
New Brunswick, New Jersey

DATE: June 17, 2005
3:00 p.m.

MEMBERS OF COMMISSION PRESENT:

William E. Schluter, Chair
Steven Lenox, Vice Chair
Senator Nicholas P. Scutari
Assemblywoman Linda R. Greenstein
Assemblyman Bill Baroni
Victor DeLuca
Curtis Tao

ALSO PRESENT:

Frank J. Parisi
Commission Secretary



Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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SENATOR WILLIAM E. SCHLUTER (Chair): Mr. Secretary, could you call the roll please?

MR. PARISI (Commission Secretary): Certainly.

Curtis Tao?

MR. TAO: Present.

MR. PARISI: Chairman Schluter?

SENATOR SCHLUTER: Yes.

MR. PARISI: Carol Murphy? (no response)

Steve Lenox?

MR. LENOX: Yes.

MR. PARISI: Victor DeLuca?

MR. DeLUCA: Here.

MR. PARISI: Linda Greenstein? (no response)

Bill Baroni? (no response)

Senator Scutari?

SENATOR SCUTARI: Here.

MR. PARISI: You have five people present. You have a quorum, Mr. Chairman.

SENATOR SCHLUTER: Thank you.

I do want to apologize for my lateness. It was because of an accident on 287. As Chairman, I should set a better example and get here on time. Were it not for that accident, I would have been here at 2:45.

All right, let's have a review of the minutes. Everybody has gotten the minutes. Are there any comments on the minutes? (no response)

I have two comments. If you can follow this, Mr. Secretary.

MR. PARISI: Certainly.

SENATOR SCHLUTER: Second paragraph. It says, about the fourth line down, “as the Secretary to keep a file of ideas for changes in the pilot project law.” Actually, it was for changes in the pilot project, as well as new ideas outside the scope of the pilot project, because some people have come up with some very interesting-- So if you could add that, as well as *ideas outside the scope of the pilot project*, which we -- I think in our earlier meetings have taken the liberty of saying that if we have good ideas we should certainly advance them and put them in our report.

MR. PARISI: Okay.

SENATOR SCHLUTER: And now, number 2, I think this was clarified by Mr. DeLuca, on Page 2, the second paragraph--

MR. PARISI: Right.

SENATOR SCHLUTER: --about the 11th line down.

Mr. DeLuca, can you see that? It starts with the sentence, “After further discussion--

MR. DeLUCA: Yes.

SENATOR SCHLUTER: --it was agreed that the Commission,” you have here, “would become involved in the rule-making process.” I think that should be eliminated.

MR. PARISI: Okay.

SENATOR SCHLUTER: Then that would read, “it was agreed that the Commission would send a letter to ELEC expressing its concern about the issue, period.” Take out the rest of the sentence.

Mr. DeLuca, does that conform--

MR. DeLUCA: Yes, Mr. Chairman.

SENATOR SCHLUTER: --with your understanding.

Are there any other changes to the minutes? (no response)

Is there a motion to accept them?

MR. LENOX: I make a motion.

SENATOR SCHLUTER: So moved.

Second?

MR. DeLUCA: Second.

SENATOR SCHLUTER: All in favor? (Ayes respond)

Opposed? (no response)

So ordered. So the minutes, as modified, are accepted.

Just in summary from my remarks, the two State Chairs were sent letters by the Secretary indicating our interest in having them here, or their representatives here, so that they could know what we're doing. And when they make their decision about the pilot districts, to have as much input as possible. Do we have any representatives of the State Committees here today? (no response)

I see no representatives.

But that letter went out.

MR. PARISI: Yes, sir.

SENATOR SCHLUTER: And I think everybody got a copy of that, didn't they, Mr. Secretary?

MR. PARISI: Yes, they did -- both a hard copy and an electronic copy.

SENATOR SCHLUTER: Okay.

Now, there were, in the transcript of the previous meeting -- there were some things that came up that I would like to make a note of.

And I'll circulate that to the members of the Commission, because I think that we might have further questions of ELEC regarding them -- because they were somewhat left unanswered -- just to keep the thing going. And if any other member of the Commission has concerns, after reading the transcript, please circulate them, and we will go back to ELEC to get further explanation, or just to let them know what we're talking about.

And finally, the remarks that we got in an e-mail from Commissioner DeLuca were well-considered, and we changed that letter. And I guess everybody agreed that that was satisfactory to send out.

With those things, having said, and the record showing that Assemblywoman Greenstein has now joined us, I'll entertain other remarks by other Commission members. We'll start here with Curtis Tao.

MR. TAO: None at this time, Chairman.

SENATOR SCHLUTER: Steve Lenox.

MR. LENOX: No comment.

SENATOR SCHLUTER: No comment.

Senator Scutari.

SENATOR SCUTARI: No comment at this time, Mr. Chairman.

SENATOR SCHLUTER: I'm glad to see you.

SENATOR SCUTARI: It's good to be here.

Thank you.

SENATOR SCHLUTER: Mayor DeLuca.

MR. DeLUCA: Nothing, Mr. Chairman.

SENATOR SCHLUTER: And Assemblywoman, do you have anything at the beginning of the meeting?

ASSEMBLYWOMAN GREENSTEIN: No, not at this time.

Thank you.

SENATOR SCHLUTER: I guess the next order of business is a briefing by Ingrid Reed, on her Eagleton New Jersey Project.

Ms. Reed.

I N G R I D W. R E E D: I have a brief handout. (speaking from audience)

Good afternoon. My name is Ingrid Reed, and I direct the Eagleton New Jersey Project at Rutgers Eagleton Institute of Politics.

MR. PARISI: Ingrid, use the microphone in the middle. (referring to PA microphone)

MS. REED: This one? (referring to PA microphone) Let me move over a little bit.

I'm here today to speak for an endeavor that's been undertaken by what started out to be a very informal group of academics in New Jersey, representing mainly political scientists at many different institutions, that's now come together to be a somewhat more formal group. And what I'd like to present to you today is the consensus that this group of academics would like to work on studying what happens with the Clean Election Pilot Project in the Fall election. And we would like to do that, because we take very seriously the legislation that created the Pilot Project and this Commission, and hope that we can be helpful to the Commission, which has a daunting challenge to evaluate the pilot projects and report out by the beginning of February, a scant three months after the election is over.

On the third page of what I handed out to you are the names of the people who consider themselves the organizing group and are going to

work on the study project this Fall, and then there are another group of faculty members who are interested -- we're not quite sure how they'll get involved -- but they said what they want to do is critique the first draft of our report before it gets released to you. (laughter) And they have given us some ideas about how to go about what we proposed to do.

Let me say, first of all, that we took very seriously the legislation that created the Commission and the Pilot Project, and that you are looking at very broad issues about the public confidence in the democratic process. The challenge to you in doing your evaluation is a bit more specific, but it really is assuming that you will learn from this experience and then be able to make recommendations for the future. And as we discussed the challenge before you, before New Jersey, how lucky we are to have this opportunity to take a chance to study a very major initiative, to learn from it before thinking about whether it should be expanded and how it should be; and if it would, how it would be expanded.

So to do that, we have proposed and, in effect, committed ourselves to doing three major activities, which we hope will be useful to you and which we think is useful in a larger environment of encouraging better campaigns, more responsiveness in campaigns in New Jersey in a general way, but we think and we hope will be useful to you.

This is what we plan to do: We want to look at what happens on the ground. And we have quite a bit of experience doing that. That is, studying the two districts that will be selected as the Clean Election Pilot Project and then identifying two to four other districts that we will, in effect, use as control districts. And by studying them, it means looking at what actually happens in the campaign. And when we've done this before,

we have worked with students who, in effect, declare their political party preference so that the parties will trust the students to give them information, not necessarily confidential information. But what we look at is the schedule of the candidates, to collect the material that is used for distributing door-to-door. We get the ads that will go up on the air after they have gone on the air. We will be looking at the reports to ELEC, but will depend on ELEC for the information about the funding in the campaigns. It's kind of a campaign diary.

An important aspect of what we do with monitoring the campaigns on the ground is to clip the major newspapers serving the district. We code those clippings so we know if the campaigns were covered on the front page or on the inside; how many times were there photos of the candidates, were there deep captions.

For example, at Eagleton, we have been doing this for several years. And in 2003, we know that 80 percent of the articles were on the inside of the paper; 75 percent of them did not have a photograph. When there was a photograph, only 10 percent of them had deep captions. They were usually postage stamp or yearbook-type photos with just the last name of the candidate. So if you're looking at what's helpful to voters, I think if I describe this to you, you will recognize that probably we are all attracted to photos that are action photos and that have deep captions. So it makes you question how useful much of the newspaper coverage of campaigns is, if it's not presented in a way that attracts the eye of the voter. So we will have that -- we hope we will have that information for the districts -- four at least.

Then we want to monitor media coverage, and there will be some ad coverage in that as well. We propose to do that with Matt Hale, a faculty member at Seton Hall, who is one of three co-directors of the University of Wisconsin-Annenberg Study of political coverage in the nightly news. If you haven't had a chance to look at that Web site, it is an amazing database of exactly what happened with campaign coverage, in 2004, in 11 major media districts. And we can tell you how often the presidential candidates were in the nightly news, how long the sound-byte was -- 11 seconds, if you're interested. And we propose to do that in New Jersey. And what we would like to do is cover 11 outlets. That is, the eight network affiliates in Philadelphia and New York. In this case, FOX is considered a network affiliate together with ABC, CBS, and NBC.

We would like to look at the two cable systems. We're not sure that we have to do two -- it may be enough to do Cablevision, because there is a reciprocity agreement with Comcast -- but we'll have to find that out, as well as the New Jersey Network. We can do this very efficiently, because of Professor Hale's connection with the University of Wisconsin. They can do the capturing by DVD, as they have done before, and their graduate students are trained to code and give us the feedback. We estimate that that will cost \$1,000 per station to do it 30 days before the election, and another \$1,000 for expenses.

Then, since so much of the emphasis of the legislation is on people's attitudes, we would like to do surveys of what voters think and what they know about Clean Elections, and propose to do that in a collaboration between the PublicMind Poll at Fairleigh Dickinson that's run by Peter Woolley -- and he would have liked to have been here this

afternoon, and Jeffrey Levine at the Eagleton Center for Public Interest Polling. The way we propose to do that is to include questions in surveys that would be going out statewide anyway the beginning of September, and then at the very end of October. And then we would like to oversample and include questions specifically designed for the four to six districts -- the control district and, of course, the Clean Election district -- to test awareness and see if the attitudes in those districts, the Clean Election districts, are different from the control districts.

I'm sorry that my survey people aren't here, because I really probably can't answer your questions if you have specific questions about how that is to be done. But we think it's very important to try to give you the information that would be helpful to you, in terms of the attitudes of voters toward money and what happens if you try to change the source of money in campaigns.

So taking those three areas-- And by the way, we will have to raise some money. We hope we can find some partners who are interested, particularly in the survey work, and that there might be some foundations that have the flexibility to make small grants. If we got two, \$5,000 grants from two foundations to do the media analysis and we're able to collaborate with some others on the survey work, we think that this is doable.

So those three aspects -- we know the survey responses will be in immediately, so that will be the first piece of the work that would be complete. Professor Hale's work would be completed very soon after the election, and then he would do the analysis. The monitoring of the districts -- that will take us a little more time. As you can imagine, the coding of the newspaper articles then has to go into an SPSS program, have to be

inputted and so on, so we might not have that work completed until the students leave for the holiday break. But we would hope that we, as a group, would be meeting to try to figure out what we learned and how we would present that, so that the Commission could probably get information from us in stages; but that we would have everything complete by the beginning of January, so you would have some time to consider what we have learned in your deliberations, in making your recommendations.

That is what we hope to do. And since we've had some experience and we have a number of people who are very interested in working on this -- and we're very pleased that people are willing to incorporate this in their own teaching and give of their own time -- and somehow we have faith that we'll find the money to do the parts of the project where we actually need to pay for direct costs -- that we hope that we can do this, and we hope that you will find it useful.

I would certainly be glad to have your questions and comments and your suggestions, in terms of what we've proposed to do. We hope our work will have application beyond the work of the Commission. But you got us started. I don't think we would have gathered and put our minds to this, and then committed the work this Fall, if the Legislature had not passed this legislation and you had not committed yourselves to doing the hard work of evaluating it.

Let me stop there.

SENATOR SCHLUTER: Thank you very much, Mrs. Reed.

Do we have questions from the Commission?

Curtis.

MR. TAO: Thank you, Mr. Chairman.

First of all, Ms. Reed, thank you very much for your efforts and efforts of your colleagues. I think this Commission will be entirely indebted to you and your group's efforts -- and, indeed, the State. One of the things that I know this Commission has struggled with has been, how will we be able to evaluate the success of the Pilot Project. What I think may be interesting for us to do -- and I'll be pleased to hear your thoughts -- is, perhaps we should start an early position in determining what are the criteria for us to evaluate. And I know much of this will probably form itself out at the end of the process, once we have the data and we review the data. But as we know, there are a number of different things that we have, and we've talked about, such as changing the public's perception of those candidates running in those districts. Two, did we, indeed, create a competitive campaign in those districts? Many variables play into that. That will be quite a challenge for your group to evaluate the success.

But I think, perhaps, and it will be helpful, I think, to me and many of the other Commission members, if we would be able to start off with at least a template of that criteria so we can begin formulating our ideas and look towards what we should be evaluating and reviewing.

Secondly, with respect to monitoring media coverage and ads on television. I think that is going to be a remarkable endeavor and very very helpful. My own view, in terms of campaigns in New Jersey and their coverage by media, and I don't know -- again, this is certainly something that will be dependent upon your resources, but perhaps the group would consider monitoring radio news. I may be thinking of a day long past in which people rely upon radio news to get their coverage of campaigns, but

noting that New Jersey still is a large commuter population, in the car -- 101.5, CTC.

And I guess, last but not least, and this is something for the Commission to consider, but if we are, indeed, going to be reviewing the survey taken of the public of what their views of the pilot program are, there may be some role and responsibility of this Commission to use its bully pulpit to advertise, to make the public aware -- editorial board meetings, visiting each of the districts. Because other than, I think, the coverage of the first Commission meeting-- And of course, the campaign season hasn't begun yet, and there will be notable events and points in which there will be newsworthy coverage, such as the publication of the voter guides. But there may be a place for this Commission to take a role in making the public aware of the Pilot Program.

But again, Ms. Reed, thank you very much.

MS. REED: You're welcome.

I will see what we can do about the radio monitoring. The way I understand it, the design of the media survey is really geared to the fact that there is a nightly news format. It gets repeated on cable, but it is definitely a half hour program that's considered the nightly news, so that you know how to target it. The same is true, obviously, of NJN and the networks, too -- have a specific half hour. So that in targeting what you're going to be taping and then analyzing, it's pretty predictable. I have to see if there's a way of at least trying to do that with radio. We wouldn't be able to get everything -- the talk radio and so on -- but if there is a--

MR. TAO: Drive time.

MS. REED: --yes. We might be able to do that as well.

I think it's highly unlikely that one of the most listened-to stations is the CBS 880 -- is that what it is?

MR. TAO: Yes, that's right.

MS. REED: I know they call me, but I don't often get to listen to it. It's highly unlikely that a legislative race would be covered in that kind of program. We're lucky if we get the gubernatorial race covered. The monitoring, the coverage that we did in 2001 for 30 days before the election, New Jersey got a total of 13 -- a half hour, 30 minutes -- and 13 minutes of that were the candidates actually speaking. So two-thirds was comment and other people having something to say about the race, so that the candidates were really not on television very much. This was on the network news -- the three network affiliates in New York. I don't think it was very different in Philadelphia.

So I think that we're not going to see very much coverage, but it would be very interesting if any of the outlets broke out of that, and because the Clean Elections, after it was underway, that they gave some special focus. And we would like to be able to capture that, if that is the case.

MR. TAO: And with respect to an earlier articulation of the criteria for which -- this Commission to review, is there an opportunity for us to, perhaps, collaborate at an early stage?

MS. REED: I thought your idea of the Commission actually -- I guess you were sort of saying brainstorming what those criteria would be -- it would be useful to us if we had some idea of what you were thinking of. If it had been in the legislation, we would have used it to try to structure the monitoring -- our activity. At this point, we thought we should just try

and capture as much of what is actually going on so that you could use it, if you decided that there were several criteria that were particularly important to you.

For example, one of the aspects of this is, does the Clean Election campaign change the tenor of the way people campaign? We code our campaign ads of whether they're predominantly advocacy, predominantly attack, or predominantly contrast, and then look at how many there are in each of those categories. The general consensus is that if there's a balance, then voters are getting information that's useful to them. It is important to know why a candidate thinks his or her opponent is not suitable for the leadership position. It's also important for the candidate to make a case for him or herself of why they should be elected, even though we've been cautioned that there very often are more inaccuracies in the advocacy ads than in the attack ads.

But basically, the voters say that the contrast is best. They're perfectly happy to have a candidate say, "This is what I want to do, and my opponent wants to do this, and therefore I think you should vote for me because I do such and such," kind of a repetition. And so it would be interesting to see if there's a difference in the balance of those kinds of ads in the Clean Elections districts than there is in a control district, or we'll probably be looking at the gubernatorial campaign as well. And you may want to make the observation that this year, in the Pilot Project year, we think that there was a campaign that seemed to meet the needs of the voters in a more comprehensive way than other campaigns.

But I think it's really up to you to-- I'd be glad to ask my group what they think the criteria should be, but we would like to be as useful as

possible and give you as much information so that you could then access that for making your recommendations.

SENATOR SCHLUTER: I thought that was a good suggestion of Mr. Tao's about coming up with some criteria, because we're in the same boat as you are -- we don't know what that criteria is now. And if we could both go toward a general understanding of the criteria-- So if you do get bits and pieces of that along the way, that would be helpful.

MS. REED: Okay.

Okay. Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

Hi, how are you?

MS. REED: Hello.

ASSEMBLYWOMAN GREENSTEIN: I just wanted to ask you: As you're doing this assessment, clearly you're going to look at what meets the needs of the voters. Will there be any attempt on your part, and the academics' part, to look, also, at the candidates -- how they fared within the process, whether they feel they're getting their message out? Will that be part of your evaluation? It would seem to me it should be part of ours. I wonder if it would be part of yours?

MS. REED: Right. We talked about that and decided that in approaching the campaigns and letting them know that we would be monitoring the campaigns, that we were going to ask if the campaigns would permit us to have a pretty detailed schedule of the candidates activity, and that we were interested in learning how much time a candidate spent raising funds and, kind of, a diary of the campaign. We don't know how much information the campaigns will be willing to give us.

One of the things that we've done in the past is to say that any information that a campaign does give to our student team is not shared in any meetings that we have with the students. In other words, one of the things the students learn is that campaigns are about tactics and they're confidential, and that once they're permitted to be up close, that that's privileged information and that we won't look at the information that we gather until after the election. So we're hopeful that that's one of the things that we will be able to learn; and some sense of what the campaign has laid out in terms of when they go door to door, when they train volunteers, sort of the rhythm of the campaign and the activities. I think that's about the best that we can do. And I'm also asking our students to keep a diary, which is very useful, of their experiences. They're not there every day, but we hope to capture that. That's very important to us. It's not important to us, it's important to understanding campaigns, not to only look at it as the point of view of the voter, but the point of view of the candidates. And I guess that comes out of my sitting in on the public hearings, where early on in this process much emphasis was placed on the fact that Clean Elections makes it possible for a wider range of types of people to participate, and that the experience is different because there isn't as much focus on raising funds during the campaign. So we would hope to try to capture some of that.

SENATOR SCHLUTER: Thank you.

More questions of Mrs. Reed?

MR. DeLUCA: Thank you.

Mr. Chairman, I would just like to remind us that in our original meeting of March 2, Mark Murphy, of the Fund for New Jersey,

did say that if the Commission needed any assistance and we did not have sufficient funding, the Fund for New Jersey is available as a source of potential financing. I understand that your work will be undertaken independently of the Commission, but it seems that it would be very valuable to us, and we might want to convey to the Fund for New Jersey that this is an opportunity that really could help the Commission's work.

MS. REED: Thank you. I did reach out to Mr. Murphy, because I wanted him to know what we were proposing, since he had been so involved in encouraging this effort. We do have a meeting set near the end of June, so if someone would reach out to him, on your behalf, that this would be valuable to you, I certainly will bring it up in our meeting. I wanted to brief him on what we were doing and get his suggestions. So we would welcome that.

SENATOR SCHLUTER: Would you convey that to him when you see him -- that you have briefed us and we're interested?

MS. REED: And that you're encouraging him to follow through on his-- Okay. Thank you. (laughter)

MR. DeLUCA: If I could just -- one, couple of questions. You talked about surveying the attitude of money in campaigns and the change in the mix. It would be interesting to me to find out how people feel about public money being used for political campaigns, particularly in a time of very tight budgets. And if you can measure that in some way, I think that would be useful.

The other thing is, I think it would -- about the conduct of the campaigns, to the extent that there may be candidates running under the Clean Elections who ran two years ago, it would be interesting to see a

comparison of things that they have done differently. Did they actually spend more time raising money?

MS. REED: Right.

MR. DeLUCA: One phone call to a political action committee to get \$8,200 is a lot easier than going to a thousand people and raising \$5. So it would be interesting to find out -- and maybe this can be done post campaign -- as to just an analysis of how they spent their time. And then also, did they do things differently. On the flip-side of that, if you have a thousand people who put \$5 into your campaign, to me that's your base of support out there. So maybe you use them differently and you already have those connections. So there might be ways in which we're changing the nature of politics here.

MS. REED: Right.

MR. DeLUCA: And if we're going to do the survey, it would be interesting to really find out if maybe we're going back to, sort of, a more grassroots and less airways kind of campaigning.

MS. REED: Right. We'll try and determine that. We have two tasks for which we do not have takers yet, and I'm reaching out. One is to look at -- find out what happened in the campaigns. In 2001 -- we could certainly look at 2003 -- we're looking at 2001, because that also was a gubernatorial year in the two Clean Elections districts, and if we can, in the control districts, just to get a sense of what was going on. We can use some newspaper archives, and so on. We're hopeful that we can recruit some graduate students who might be interested in doing that kind of work.

And then, I should say, we also are hopeful that we can identify a couple of graduate students who would look at evaluations that were done

by political scientists of Clean Elections activity in Maine and Arizona -- what questions were asked there, what was published about the experience with Clean Elections -- so that you might benefit from that. And if we find out what criteria they used, you might want to have that as well. But at this point, I don't have a commitment yet for that work.

MR. DeLUCA: Thank you.

SENATOR SCHLUTER: I might add that it seems to me that after the election we're going to be having hearings and we're going to be trying to interview, I think, some of the candidates. I think we want to be sure we get it well covered, whether it's by us or by you. So that will be a duplicative effort, and it will be well worthwhile.

More questions of Mrs. Reed? (no response)

I do--

MS. REED: I brought with me something that you might be interested in. I had a student go back and look at the margins by which the Assembly races in '99, 2001, and 2003 were won, and also the percentage of registered voters in the district. I didn't catch, until this morning, that she had it categorized by Democrat, Republican, and undecided, as opposed to undeclared. I've written that in, and I've put *draft* on it, because I do want to go back and count. What I've done is label on here (indicating) the six districts that are in the legislation, so that you can compare. We will be looking for-- We've used this already to do some brainstorming on control districts to see if we can find some that are similar, but in other parts of the state, and hopefully in places where we have faculty members who want to guide the campaign study. So if you would find that interesting, I'll leave that with you as well.

SENATOR SCHLUTER: Do you have copies with you?

MS. REED: Yes, I do.

SENATOR SCHLUTER: Thank you very much. But before you leave there, I have a question of you, Mrs. Reed. You said that you were going to use the -- and in each case, the two districts that are not picked for each party as the control districts.

MS. REED: No. What we're going to do is, once the Clean Election districts are selected, then we will try to find districts that are similar. As you know, of the six districts that are in the legislation, they do vary greatly and basically in their competitiveness. So depending on which two districts are selected, then we will try to find districts that are somewhat similar. In other words, where the margin of victory in 2003 was similar to the margin of victory on party leaning; and we would like to find them in other parts of the state. Because it would be more interesting to look at newspaper coverage and so on, and also because we-- I have to say, pragmatically, because we have institutions from different parts of the state. Some faculty members are very anxious to be included in this and have their students have the experience. So our hope is to find two to four control districts that are of similar characteristics to the two that are selected.

SENATOR SCHLUTER: So they don't have to be -- they would not necessarily be the two districts which are not selected.

MS. REED: No.

SENATOR SCHLUTER: Those are not necessarily included.

MS. REED: Right.

SENATOR SCHLUTER: I think that would be wise, because you would get a better idea of variation and what happens in the different districts.

Are there other questions from the panel? (no response)

I think if you have an extra copy, that you gave us, for Mr. Baroni, who is here now.

MS. REED: Yes. I think I gave you all of the--

ASSEMBLYMAN BARONI: I have it, yes.

SENATOR SCHLUTER: He has it? Fine, thanks.

MS. REED: Thank you.

If there's anything else?

SENATOR SCHLUTER: I'm sorry.

MR. TAO: One last comment and question, and this is more of a reflection and also an opportunity for which -- for me to volunteer. Having been the person who suggested that we develop the criteria to evaluate the project in the early stage, Mr. Chairman, I'll volunteer my services to prepare and to draft that thinking piece. And I'll be grateful, and I'll try to circulate it amongst the Commission members before the next meeting. And again, no pride of authorship, and more in terms of a brainstorming effort.

And Ms. Reed, if I could call upon your thoughts, I'll be grateful.

MS. REED: Right.

MR. TAO: One question I do have, and this is something, perhaps, that we'll need to noodle on, but separating the idea of what we would believe to be a worthy criteria to evaluate public financing in general.

For instance, better quality candidates, more diversity in the candidates who would present themselves for candidacy -- which would be very difficult to evaluate in the context of this pilot project, because we have limited districts in which we'll be evaluating it. And moreover, there was a primary process which had concluded prior to that candidate knowing that they would be the designated district for the purposes of the Pilot Project. I'm sure that there's other criteria which we would think of -- what we would want to evaluate this project by, but with the constraints of a limited pool. I'll be grateful for your thoughts in terms of how to deal with that complexity.

MS. REED: In other words, you're dealing with the reality of evaluating the Pilot Project in this particular time.

MR. TAO: Yes.

MS. REED: But as you looked ahead, and if the Clean Elections changed, what would be other criteria that you would be using? So it's a kind of a two-stage.

MR. TAO: Yes. Right.

SENATOR SCHLUTER: Any more questions?

Thank you very much, Mrs. Reed.

MS. REED: Thank you.

SENATOR SCHLUTER: And you're going to stay around, aren't you?

MS. REED: Yes.

SENATOR SCHLUTER: Because there's another document that we're going to take up a little later that I'd like you to look at.

The next item of business, I think, Mr. Secretary, you can report on -- the results of this year's primary elections. I think you have some data on that, don't you?

MR. PARISI: Yes, Mr. Chairman, I do.

The members of the Commission will find in their packets the unofficial list, which has been generated by the Division of Elections in the Department of Law and Public Safety, which shows all of the winners of the primary, the most recent primary. And what I've volunteered for the Chairman to do is just to go over the six districts which have been selected, which were (indiscernible) by the legislation establishing Clean Pilot Projects, to let you know who the possible candidates are who will be up for consideration by the party chairs.

The first one is the 6th District. That is a Democratic district. The first candidate is Assemblyman, the current incumbent, Louis Greenwald. He received a total of 5,324 votes. His running mate was Pamela Rosen Lampitt. She received 4,918 votes. Among the Republicans, the first candidate was Marc Fleischner. He received 4,264 votes, and the second candidate, the Republican candidate there, was JoAnn R. Gurenlian, and her vote totals were 4,284 votes.

In the 7th District, which is also a Democratic district, you had the incumbent and Assemblyman, Herb Conaway. He received a total of 5,807 votes. The second incumbent, Assemblyman Jack Connors, he received a total of 5,537. The challengers are Republican Joe Donnelly -- he received 4,990 votes -- and the second challenger among the Republicans is Mike Savala, S-A-V-A-L-A. He received a total of 4,737 votes.

The next district, which is a Republican district, is the 9th District. There the Democratic challenger was Dolores Coulter. She received a total of 4,333. The second Democratic challenger was James Den Uyl. He received 3,727 votes. Among the Republican incumbents -- current Assemblyman Christopher Connors received a total of 10,840 votes and current incumbent Republican, a member of the Legislature, Brian Rumpf, received 10,118 votes.

In the next district, which is the 11th district, which is also a Republican district, you have the first Democratic challenger, Matt Doherty. He received 2,856 votes. The second Democratic challenger, Jim Reilly, received 2,849 votes. The first Republican, who was the current incumbent and Assemblyman, Corodemus, received 6,932 votes. And the second incumbent and Assemblyman, Sean Kean, also Republican, received 7,321 votes.

In the next district, which is the 13th District, which is also a Republican district, there were quite a few candidates here. The first Democrat was William E. Flynn. He received a total of 2,711 votes. The second Democrat was Michael Dasaro. He received a total of 2,481 votes. The third candidate was Leonard Inzerillo. He received 880 (*sic*) votes. Obviously, he didn't make the cut. Among the incumbents, current Assemblyman Joseph Azzolina received 4,040 votes; the second incumbent, Assemblyman Samuel Thompson, he received 5,528 votes. He was the highest vote getter in the district. And the second highest voter getter among the Republicans was Amy Handlin. She received a total of 4,631 votes. So in that district, it will be Thompson and Handlin versus Flynn and Dasaro.

And finally in the final, the third Democratic district, which was the 15th District, we have current Assemblyman Reed Gusciora, as Democratic Assemblyman representing parts of Mercer County. He received 3,932 votes. The second Assemblyperson was Assemblywoman Bonnie Watson Coleman, current -- also Democratic State Chair. She received 4,124 votes. Among the Republicans, you had Robert McCready, Republican representing -- well, hoping to represent parts of Mercer County. He received a total of 2,763 votes; and Thomas Mavis, also Republican, received a total of 2,722 votes.

And those were the six districts.

SENATOR SCHLUTER: Thank you, Mr. Parisi.

Do we know that both of the party chairmen are going to continue on as the party chairmen? I think Mr. Baroni could answer the question with respect to the Republican chair, because he's been counsel to the-- Is it correct to assume that Mr. Wilson is going to continue?

ASSEMBLYMAN BARONI: I don't speak as someone who's been counsel. I don't have that role. But the other day, the Republican nominee for governor has said, two days ago, said that he is intending to keep Tom Wilson on as chairman.

SENATOR SCHLUTER: So we will continue sending Tom Wilson--

ASSEMBLYMAN BARONI: That would be correct.

SENATOR SCHLUTER: --information about what we're doing here in the meeting. And I don't know what the status of the Democratic Party is when they elect their chairman, but I presume we will keep sending that to Ms. Coleman.

MR. PARISI: For now.

SENATOR SCHLUTER: For now.

ASSEMBLYMAN BARONI: There's news. (laughter)

SENATOR SCHLUTER: Next, Mr. Secretary, I wonder if you can give us a breakdown of the level of election funds that would be available for candidates in the districts, based on the formula in the legislation.

MR. PARISI: Okay. Certainly, Mr. Chairman, I'll be happy to.

I would direct your attention to two documents, which are provided in your folders. The first one has, as its topping, "Summary of 2001 and 2003 Spending by Party in Clean Elections Districts; 2005 Projected Maximum Grant Amounts." This has been provided with information by the Election Law Enforcement Commission. Attached -- next to that is a memorandum which was prepared by Gina Winters of the Office of Legislative Services, which provides for the election results in the 11th District, for 2001 and 2003, for each of the candidates. Do you want me to read through the totals for each of these, Mr. Chairman?

SENATOR SCHLUTER: Well, I think everybody has them. Has everybody located that chart showing the number of dollars that are available to each?

MR. LENOX: Yes.

SENATOR SCHLUTER: And we have another chart which is also-- I think everybody has a copy of this one with the bracket. Do you see that? (indicating sheet) The one you just put aside.

SENATOR SCUTARI: I have two of them.

SENATOR SCHLUTER: Oh, you have two of them. Okay.

This was something that goes a little bit further. It shows how the maximum grant amount is arrived at, the particular formula with the data that's there. But it also does something else, which expands on what ELEC gave us, and shows the total for each party for two years, rather than putting just the total and the grand total for both parties for the two years. And if you look down at the bottom, you'll see the difference between the Democrat and the Republican in each of the districts and the percentage that each of those had, which I think is quite interesting. And it should be interesting when decisions are made as to which district should be the target -- they should be the pilot districts. Do you see that down below, where it says District 6 and the total Democrat, total Republican -- 96.8 percent versus 3.2 percent?

Now District 7, which is a Democrat district, it's somewhat closer. It's 39 percent to 60 percent.

District 9, which is a Republican, is not too dissimilar than District 7. It's roughly 30 percent against 70 percent.

I want to come back to District 11 in a minute.

District 13 is very one-sided. It shows 7 percent for the Democrat and 92 -- and almost 93 percent for the Republicans.

And District 15 is also heavily weighted in one direction. I think those numbers are significant. And it would seem that in order to have a good pilot program, although we are not the ones that are going to designate who the -- which districts they are -- that I would hope that they take into consideration these numbers. So I think we should forward this information to the two party chairs, if you could do that, Mr. Secretary?

MR. PARISI: Certainly.

SENATOR SCHLUTER: Now, here is something that defies imagination. And I have talked to Mr. Fred Hermann a number of times on this. But if you look at that chart and you look at the column under the 2001 Democrat total, for 2001, for District 11, you have almost \$400,000 spent. And then you come over here for 2003, for the Democrat total, and you have \$25,000 spent. Mr. Hermann has sworn that those are the accurate numbers, but they look strange when the district is basically a Republican district and you have those numbers for the Republicans.

Mr. Frank Parisi developed for me -- did you give this to everybody?

MR. PARISI: Yes, I did, Mr. Chairman.

SENATOR SCHLUTER: Each of you have got a copy of the vote total for 2001, in District 11, as opposed to the vote total in District 11 for 2003. And I think it's reasonable that the difference in 2001 is 20,000 votes; the difference in 2003 is 20,000, even though fewer votes were cast. There must be some reason for that 400,000. So it's there and it's calculated in our numbers, and I don't know if it sticks out in other people's minds, but it certainly stuck out in mine, as something that should be looked at. Are there any questions on these charts or this information?

MR. LENOX: Do those numbers represent the amount spent just by our legislative candidates or by -- 2001 was a gubernatorial race. So would that reflect some of the money spent by that governor's race also?

SENATOR SCHLUTER: No, the legislative candidates on the legislative reports.

Is that correct, Mr. Hermann?

F R E D E R I C K M. H E R M A N N, P h . D . : (speaking from audience) Yes.

ASSEMBLYMAN BARONI: Direct and in kind, correct?

MR. LENOX: Mr. Hermann is nodding yes.

DR. HERMANN: Yes. (laughter)

SENATOR SCHLUTER: Thank you.

Now to be a little bit provocative, it could include inner-candidate transfers.

MR. PARISI: Mr. Hermann, could you please come up and speak into the microphones?

DR. HERMANN: I'd be happy to, thank you.

Yes (laughter) they would.

SENATOR SCHLUTER: There could be transfers?

DR. HERMANN: They're considered expenditures, Mr. Chairman.

SENATOR SCHLUTER: Or there could be transfers to a county organization or another party organization?

DR. HERMANN: However they chose to spend their money.

SENATOR SCHLUTER: Just where they spend the money, yes. So that is a question that's up in the air.

Does anybody have any questions of Mr. Hermann on this data? (no response)

Hearing none, I thank you.

DR. HERMANN: Okay. You're welcome.

ASSEMBLYMAN BARONI: The shortest testimony ever in history. (laughter)

DR. HERMANN: It's a record for me, too.

SENATOR SCHLUTER: All right. We're at that point where we have an open discussion among Commission members on any of the issues that might be on our minds. I do have one thing that I neglected to say.

Excuse me, I'm sorry.

MR. DeLUCA: Mr. Chairman, we didn't go over the maximum amount of funds available per district for the Clean Elections.

SENATOR SCHLUTER: Go ahead.

MR. DeLUCA: I guess I just want to be clear that I'm reading these charts correctly -- that in District 6 the maximum grant amount would be \$65,000 per candidate?

DR. HERMANN: Yes, that's correct, Commissioner.

MR. DeLUCA: And in District 9, it would be \$20,000?

SENATOR SCHLUTER: Twenty thousand, five hundred dollars. That's correct.

MR. DeLUCA: Twenty-thousand, five hundred dollars.

DR. HERMANN: Let me just turn to the chart for a second.

SENATOR SCHLUTER: Unless, of course, the opponent did not become a participating candidate, in which case they would be allowed to get the opponent's amount.

DR. HERMANN: That's correct.

SENATOR SCHLUTER: A like amount--

DR. HERMANN: Yes.

SENATOR SCHLUTER: --representing what the opponent would have gotten.

DR. HERMANN: Correct.

MR. DeLUCA: And so, when we look at these totals that's spent, that's for both candidates in that district?

DR. HERMANN: It's an average of what was spent in 2001 and 2003 by the Republican and the Democratic candidates, and then multiplied by 0.75, because the law says you get 75 percent of the money. And then in one district, District 7, reduced to \$100,000, because the law says that's the maximum amount you can get, although the average in that district was, I believe, 160,000.

MR. DeLUCA: So if I could just continue to--

SENATOR SCHLUTER: Sure.

MR. DeLUCA: In District 6, the average for the -- well, the 2001 and 2003 totals are 694, and then the maximum grant would be 65,000 per candidate?

DR. HERMANN: Sixty-five thousand, one hundred per candidate.

MR. DeLUCA: Per candidate?

DR. HERMANN: Per candidate, yes.

MR. DeLUCA: So you would assume that that would be -- all four candidates would be eligible for that 65,100?

DR. HERMANN: If they go through the certification process and raise the correct amount of money, correct.

MR. DeLUCA: Right. So now it's about \$260,000--

DR. HERMANN: No. It would be able to be spent by all four, yes.

MR. DeLUCA: Okay. Thank you.

DR. HERMANN: You're welcome.

SENATOR SCHLUTER: Any more questions on that? (no response)

All right. Now, we proceed to the item on our agenda where we have open discussion among Commission members, and I would like to add something which I didn't mention before -- I overlooked in my initial remarks. And I turn to Page 43 of the transcript, and I see there is a suggestion by Commissioner Baroni that it might be considered appropriate to create a certification process. This is with respect to an administrative procedure. A certification process where the candidate might not spend more-- Do you want to explain that, again, Mr. Baroni?

ASSEMBLYMAN BARONI: Sure. If I remember correctly, the discussion that we had at the last hearing was, sort of, the gray area, and the three types of candidates in a Clean Elections district. A candidate who chooses to participate -- attempts to participate in the system and raises the 1,500 contributions, therefore, getting the taxpayer grant. The candidate who just says, "I don't want to participate in the system at all," and therefore, doesn't get the taxpayer grant, and the statute would, therefore, give that to the other campaign. That second group of people would be the self-funded candidate who says, "I'm going to spend my own money. I'm going to spend 5 million of my own money to run for the Legislature." That's the bad actor. That's the person we try and-- That's the reason why we take that person's grant of taxpayer money and give it to the opponents who don't have it.

But then create -- what happens is, you have this third group of candidates who want to participate in the Clean Elections district, really try

to participate and get the 1,500 contributions, but simply can't get there, don't have enough support to get there. To punish that group by giving the money to the other candidates makes the system even worse. So the thought was, my thought was, and we had some discussion about it, was of this third group, you could have them certify -- much like a candidate who raises, I guess, less than \$3,000, something like that -- that they're not going to spend more than whatever the agreed-to maximum grant amount is. Then they would not be able to have that money spent -- given to the other side. You must certify that they attempted to get the signatures, attempted to participate, will not spend more than the specific number, and therefore, preventing their taxpayer grant from being given to their opponents.

I'll just -- I'll look at the 6th District, because it's the first one on the list. Let's say -- I guess I should know this, but I don't -- let's say that Assemblyman Greenwald and Councilwoman Lampitt are able to get the signatures -- the two Democratic candidates. They are able to get the signatures. They are able to get the 1,500 contributions that they need. They do it in a timely manner. Therefore, they get the \$65,000 in taxpayer grant. Candidate Fleischner and candidate Guren--; Gur--. JoAnn. (laughter) -- are unable to get it, but they try. They go out and they try to get the 1,500 signatures. They just can't get it. It would be, I believe, unfair if they, in good faith, certify that they're not going to spend more than \$65,000 -- they're not going to self-fund and spend a million dollars, they're not going to do that -- it would be unfair to give their \$65,000 to Assemblyman Greenwald and Councilwoman Lampitt. Because the purpose of that part of the statute was to punish the bad actor. Somebody

who says, "I'm not participating in the public matching system." And the purpose is, "Okay, fine. Then we'll give your money to your opponents who are." This makes that worse. So I proposed -- we sort of thought through -- coming up with some certification process that would prevent that unfairness from happening. The read from ELEC at the time was that that was sort of extra statutory, and it was, sort of, not something they could do through an administrative process.

SENATOR SCHLUTER: That's a great explanation. And before you came, Mr. Baroni, I made the point that there are two files that we are keeping here on this Commission: One is for possible changes that we think of now that would apply to the Clean Elections process and statute, and one -- reforms which are outside of the scope of the Clean Elections, which we think we might want to look at and comment on in our final report. This would fall in the former category. And I think that we should put this in that category and say, here is a very specific suggestion which we might want to look at again when we draw our report. Because I think you're correct in saying that it's outside of the scope to do administratively. We expressed our concern to the Election Law Enforcement Commission, and therefore, we should visit this when we do our report, as a possible recommendation.

Is that agreeable with members?

MR. TAO: Yes, Mr. Chairman.

SENATOR SCHLUTER: Okay. Very good.

Do any Commissioners have any further comments to make about anything under the sun?

Yes, Mr. DeLuca.

MR. DeLUCA: Yes. I feel a little bit uncomfortable about not saying something about Mr. Baroni's comments. Because I think that he presents a case that may be a difficult one. But this is not a program that limits spending, this is a program that talks about where the money comes from. And if we -- even if someone, in good faith, certifies and cannot fulfill that certification, that they're going to get that money-- The rules are the rules. And I don't think we should change the very nature of what we're trying to do, and that is to broaden the base of support on the contribution side. This is not a spending limitation side, it's the contribution side.

While I recognize the difficulties that the Assemblyman raises, I think that there was a deliberate reason to make that very high threshold of 1,000 contributors, and that was to show that broad-based support. And I think even if someone, in good faith, tries and cannot fulfill that, I think that's just the way it goes.

SENATOR SCHLUTER: Yes.

MR. DeLUCA: And I just want to state that.

SENATOR SCHLUTER: Well, I think you did when you stated your concern about the original letter, which was then revised.

MR. DeLUCA: Yes.

SENATOR SCHLUTER: Mr. Baroni--

ASSEMBLYMAN BARONI: If I might, Mr. Chairman, respectfully, and I mean that. This statute absolutely is a spending limitation piece of legislation. It limits the ability of a candidate who's participating in the matching fund system from spending any more than the grant that they received, plus the start-up funds. And if they were to receive spending that's done on their behalf by a political party, or an

outside entity that would be counted as spending -- the question I asked Fred before -- there is a remedy in the statute to do that -- is absolutely clear, from the testimony.

And I look to my colleague, Mrs. Greenstein, who is there as well. This was very much about equalizing the ability of candidates to spend an equal amount of money. I understand the concern about being unable to do anything about it now, but this absolutely was meant that there was too much money in politics and the amount of money in politics-- It was not just it's so hard to raise money; it was so much money is being spent. And the constitutional ability to do this, to limit spending, is based on the matching fund system.

SENATOR SCHLUTER: Other comments by Commission members? (no response)

When, Mr. Secretary, do the two State chairs have -- what is the deadline for them to indicate their choice of the pilot districts?

MR. PARISI: Mr. Chairman, the date for the indication of the pilot districts is the 27th of June, which is the -- I guess it's the Monday after next. That is a month, that's the deadline.

SENATOR SCHLUTER: So I would suggest that we send our data that we have here by special delivery on Monday so they get that, and they can use that to -- as input for their decisions. And if the State chairs do not select, what does the statute again say?

MR. PARISI: There is a provision for a special committee to be put together which would then proceed to select the representatives from the two districts.

SENATOR SCHLUTER: And when, if you could refresh our memories, when is the start-up of the-- Once a district has been designated as a pilot district, when can they start soliciting for the seed money and the qualifying money?

MR. PARISI: I believe it's about a week after. I believe it starts at about July 5. Thank you, Mr. Hermann. Okay.

SENATOR SCHLUTER: July 5. And how long do they have, Mr. Hermann--

MR. PARISI: September 16th?

DR. HERMANN: Until September the 7th.

MR. PARISI: September 7.

SENATOR SCHLUTER: September the 7th.

So this is going to be a lot of activity for those eight candidates, assuming they're willing to join in during that two month period of time. And it's going to be quite a chore. And as we talked about at our last meeting, they have to get 1,000 contributions at \$5, 500 contributions at \$30 -- not \$30.01 or \$29.99, or not \$4.99 -- exactly. And each contribution has to be accompanied by a document which says the donor and the information about the donor. And it's got to be the exact amount. And then they qualify. The Election Law Enforcement Commission is going to have to, I presume, monitor all that and to verify all that after it's in.

DR. HERMANN: The answer to all your statements is yes.
(laughter)

SENATOR SCHLUTER: All right.

Mr. Tao.

MR. TAO: Mr. Chairman, might I make the recommendation that on the day in which the two party chairs designate the districts, that this Commission prepare a statement, and that-- This goes along with my comment that if we are going to evaluate the success of this program by whether or not it changes the voters' views of the candidates, and campaigns in general, and puts, specifically, in the designated districts-- That public information, as to this program, will be critical. So I would have, certainly, no problem, Mr. Chairman, if, with your authority as chairman -- to issue a statement with Mr. Parisi's assistance on behalf of the Commission in that regard.

SENATOR SCHLUTER: Well, volunteer help is gratefully appreciated and accepted. I think that's a good thing, and I think it should not just be put on our Web site. It should be in the form of an information document which is released to the press. A good suggestion.

Got that, Mr. Parisi?

MR. PARISI: Yes, sir.

SENATOR SCHLUTER: You never know.

DR. HERMANN: No. (laughter)

SENATOR SCHLUTER: The next item on our agenda is other Commission business.

Do we have other Commission business?

Yes, Mr. DeLuca.

MR. DeLUCA: Mr. Chairman, ELEC is going to be holding, I guess, a hearing, Tuesday the 21st.

DR. HERMANN: I'll stay here -- yes.

MR. DeLUCA: And I'll try to get all my questions so you just say yes. But-- (laughter)

One of the rules that they're dealing with is this actual withdrawal process for a candidate.

DR. HERMANN: Yes.

MR. DeLUCA: And as I read the regulations, it looks to me like a candidate can withdraw from this process up to the day of the election or the day before the election. Is that correct?

DR. HERMANN: Yes. And of course, this Commission makes that decision, whether they can withdraw or not, not the Election Law Enforcement Commission.

MR. DeLUCA: It just seems practical, Mr. Chairman -- or impractical -- that someone could notify us the day before the election that they wanted to withdraw, and that we would be able to do anything about it, either approve it or not approve it, or suggest that whatever recourse the other candidates would have that they're be able to-- I would assume if someone withdrew, that the other candidates would be eligible for additional sums of money.

DR. HERMANN: No. But I think if this Commission didn't give the candidate permission to withdraw, they're in. So you do have control over that. In other words, if somebody tries to do a last minute withdrawal, they cannot do it unless this Commission meets and says, "Yes, you can."

MR. DeLUCA: Mr. Chairman, if I could continue?

SENATOR SCHLUTER: Go ahead.

MR. DeLUCA: Unless they decide that the penalty for withdrawal is worth the price of the contribution or whatever plan they have to put more money into their campaign. I think it's only \$6,000 that they would be fined. Is that correct?

DR. HERMANN: For withdrawal, yes.

MR. DeLUCA: Or any violation?

DR. HERMANN: Well--

MR. DeLUCA: I thought it was 6,000, but maybe I'm--

DR. HERMANN: There are some penalties.

MR. DeLUCA: I guess I'm just concerned that this can be manipulated by a candidate. That was my concern.

DR. HERMANN: Right.

SENATOR SCHLUTER: While he's looking that up, as you said, Mr. DeLuca, that this Commission has a right to accept the withdrawal or not. And I think there is a time frame for the Commission to make that decision. We have to make it in so many days.

MR. TAO: If I may make a statement to Mr. DeLuca. I think you are right. There is, in any regulatory scheme, an opportunity for manipulation. But under that circumstance, I think, this Commission would need to take the role very strongly of trying to create public scorn against that candidate who engaged in those type of activities.

DR. HERMANN: The penalty is the same penalty for everything else -- 6,000 for a first offense, 12,000 for a second or subsequent offense.

MR. DeLUCA: So, Mr. Chairman, I agree that-- I guess the question I have is, if this rule goes forward, that it can be up to the day of

the election, then whatever public scorn that we might be able to put out there is going to be after the election. And if we're trying to influence -- or not influence the election, but we're trying to at least have some integrity to this process, maybe ELEC needs to have some date prior to the election to have this withdrawal process, so that we can do our business.

DR. HERMANN: One other point. Your Commission can take back all the public money if somebody does that. So you do have that as an option as well. So we can fine them \$6,000, and you can actually reclaim all the money.

ASSEMBLYMAN BARONI: When you say fine, are you talking a personal, or is it--

DR. HERMANN: All our fines would be, they can -- well, this is an interesting question. Because normally for a normal candidate, you can use your campaign money to pay the fine. I suppose in this case you could use -- the rules are the same -- you could use public money to pay your fine, I suppose. Because that's the only money you're going to have. So it's an interesting observation, Assemblyman.

SENATOR SCHLUTER: Mr. DeLuca, do you think that, as you explained this, and I think as I assume it is, that a candidate who is a participating candidate can withdraw up until right before the election?

MR. DeLUCA: Mr. Chairman, according to the proposed rules, I believe that's what ELEC is proposing.

SENATOR SCHLUTER: Right.

DR. HERMANN: To-- I'm sorry.

MR. DeLUCA: That a candidate would be allowed to withdraw up to the day of the election.

DR. HERMANN: Well, that's what the statute says.

SENATOR SCHLUTER: That if you want to frame that as something that we should look at and put in our file of possible remedies, we can very well do that. Is that your wish?

MR. DeLUCA: Yes, Mr. Chairman.

Thank you.

SENATOR SCHLUTER: Okay.

DR. HERMANN: Perhaps, as a point to make for the future, establish a drop dead date for withdrawal.

SENATOR SCHLUTER: Beyond which they cannot--

DR. HERMANN: Yes.

SENATOR SCHLUTER: --they cannot abound.

DR. HERMANN: Yes. You can probably-- That would be something after the election is over, you're making your recommendations, that might be one you want to consider, sure.

SENATOR SCHLUTER: Yes. I think it's a good point.

MR. DeLUCA: Yes, thank you.

SENATOR SCHLUTER: And it's well made.

Any other Commission business to come before us? (no response)

Hearing none, we go to the comments and questions from the public. Do we have people from the public who would like to comment? If there are, come on up and state your name and your position and give us your comments.

J I M L E O N A R D: Thank you, Mr. Chairman. I'm Jim Leonard from the State Chamber of Commerce.

I first wanted to thank you all for having this hearing and continuing to do the good work that you're doing. You might find it interesting that a representative of the business community is here today, but I wanted to let you know that about a year ago we asked our members what areas we should be spending our time and resources in. And there were six initiative areas that our members had designated that they wanted us to participate in, including good government and government reform. To that end, I wanted to let you know that the resources of the State Chamber are available to you, if there are ways that we can help and assist you in getting your information out.

For example, if you were interested in doing a guest editorial in our newspaper or on our Web site, we'd be more than happy to do that. If, once the districts are designated, you want us to reach out to our members in those districts and let them know that this is happening, we'd be more than happy to do that as well. The members of the State Chamber believe that the reputation of the State needs to be increased. We believe that the efforts of this Commission will go a long way to do that.

And again, we applaud what you're doing and offer any services that we can in that regard.

SENATOR SCHLUTER: Thank you, Mr. Leonard

Could you also identify your past government experience to the members of the panel here so that they know whereof you speak?

MR. LEONARD: Sure. I'm also an elected official in Somerset County.

SENATOR SCHLUTER: You were a mayor?

MR. LEONARD: Former mayor.

SENATOR SCHLUTER: And you're a township committeeman?

MR. LEONARD: The community that I live in has the rotating-mayor-form of government. I guess it's similar to détente. We don't trust anyone long enough to be more than a year's worth of a mayor, so we rotate our mayorship every year.

SENATOR SCHLUTER: That's a very good suggestion. And I think we will be happy to take advantage of that. If you could have the Chamber get in touch with us and tell us when the deadlines are for publication, we can get something together.

Can't we, Mr. Parisi?

MR. PARISI: Certainly, Mr. Chairman. You just let me know what you want.

SENATOR SCHLUTER: Yes. Well, just advising people of what we're doing. And keep in mind, if you can come to these meetings or have a representative come to these meetings in the future, we're going to be talking about not only how to fine-tune this particular public financing program, but other kinds of electoral reform things that have been brought to our attention and are going to be offered, gratuitously possibly, by our report in the future.

MR. LEONARD: This has been, I guess, a day and a half's worth of ethics and good government for me. I was at the Association of Counties, heard Assemblyman Baroni speak this morning. The League of Municipalities held a full half-day seminar on ethics. So it seems to be a trend, and a trend that we hope will continue.

I also will reach out to State Chamber colleagues that I have in both Maine and Arizona and ask them how their pilot programs worked, if there were suggestions, if they could do it over again would they do things differently, and provide that to you as soon as possible.

SENATOR SCHLUTER: That would be very helpful.

Do people have questions of Mr. Leonard? (no response)

Thank you very much.

MR. LEONARD: Thank you, Mr. Chairman.

SENATOR SCHLUTER: Other members of the public? (no response)

Is the League of Women Voters going to remain silent today?

UNIDENTIFIED PERSON FROM AUDIENCE: Yes. I'm all shouted out. (laughter)

SENATOR SCHLUTER: Well, hearing nothing--

MR. TAO: Mr. Chairman, when would we consider meeting again?

SENATOR SCHLUTER: Okay. That's our next item. Let's have a discussion on that. What are the thoughts -- and in a few weeks, we'll know who the candidates are. We might have more information about applying their past voting record, with what Mrs. Reed is going to give us.

What are the thoughts of members?

The two Assembly people don't have much to do this year; they're available. (laughter)

ASSEMBLYMAN BARONI: As long as you put it in South Brunswick, I'll be there. (laughter)

MR. TAO: Mr. Baroni has offered his living room for the Commission. (laughter)

ASSEMBLYMAN BARONI: Come on over.

SENATOR SCHLUTER: We don't want to just come here and spin our wheels. But on the 21st, the Election Law Enforcement Commission is going to have its hearing. When would the rules go into effect, based on that schedule? You can shout it out. We'll put it on the record here.

DR. HERMANN: July 19, we would adopt them.

SENATOR SCHLUTER: July 19?

DR. HERMANN: Yes.

SENATOR SCHLUTER: But it would be wise for anybody who is a designated candidate to go by those rules that are in your proposed regulations.

DR. HERMANN: I think that would be a safe assumption, at this point. That's what they should do, yes.

SENATOR SCHLUTER: Well, what's the wish of the group?

MR. TAO: Well, Mr. Chairman, I note that the group, in which Ms. Reed is leading, of academia, will be providing a poll, or at least they plan to in early September, and then another before Election Day. One of the items that we discussed today would be an articulation of the criteria by which we would review and evaluate the Pilot Project. So certainly, I would suggest before -- and perhaps, Ms. Reed, you can comment -- the drafting of the poll, if that would be helpful, we would have an opportunity to digest and discuss the criteria which I volunteer to, at

least, take a first draft session at. So that would take me to, perhaps, sometime in August.

Then the question is, noting vacations of various Commission members and members of the public, we're looking at early August, late August, or in fact, if it would be more convenient, late July. But I do think we need to have at least one Commission meeting before the commission of the first poll -- that will be conducted in early September. That's at least my thoughts, Mr. Chairman.

SENATOR SCHLUTER: That makes sense.

Other comments?

MR. DeLUCA: Mr. Chairman, I would also suggest that we think about having a public hearing in each of the districts that will be selected. And maybe give an opportunity for the four candidates to come before us and just share some of their views. And also, I think it would help generate some press for the Clean Elections process in those two districts.

SENATOR SCHLUTER: We want to get as much information as we can. We don't want to provide a forum where -- that's going to be used for campaign purposes, necessarily. I don't know how to possibly distinguish between that and--

Anybody else want to comment on Mr. DeLuca's--

MR. TAO: I think it's an interesting suggestion. There's two separate objectives, I think, in terms of having a session in each of the designated districts. One, provide public notoriety to the process, and I think we can probably do that in a different context -- an editorial board meeting, or having our own release specific to the media with respect to that district. The second purpose would be to gather the thoughts of the

candidate in the process, in how did it go, in terms of raising the money in the period up through September. And that probably could be done in a more discreet format for the issues and for the concerns that the Chairman raised. But I do think that that will be an interesting approach to take, certainly for the notoriety issue.

And I would also suggest, perhaps, if we do undertake an effort like that, we do it sometime after September, because that would be when, I think, the public focus of the election and the campaign would be -- at that point. But we can think further on that, and I think it was a good suggestion.

SENATOR SCHLUTER: If I might comment, I think you made a good point, Mr. Tao, about the editorial board meetings or meeting with the press. And the editorial boards will usually have a reporter right there to give some publicity to the efforts of these candidates who are trying to raise their qualifying money. So I think members of the Commission would be well served to, in early August, to offer to meet, when we know the districts, to go out and meet with the number one or number two, or a couple of -- no more than two -- of the major media newspapers and tell our story and let them publicize that in the district. So that at the end of their getting their qualifying money, that there is this information out there. And then if we can proceed on that, on that general basis, instead of having just a general public hearing at this stage of the game, that we might have-- We will plan on having some sort of a meeting with the press in the chosen districts in the summertime, and we can do this by just exchange of e-mail among ourselves -- see who's available. Okay?

And I still think-- Yes, excuse me.

Ms. Reed.

MS. REED: I just have a comment about this. We at Eagleton have discussed what the role, of encouraging the public to participate in the Clean Elections, what our role should be, or more theoretically, what one should do to promote the Clean Elections. And in 2004, we saw the phenomenon of both parties raising an incredible amount of money in small contributions, much beyond what they ever had expected to, in the role of the Internet. We have decided that in the Web site that we have for people finding out about who's running in a district, the *njvoterinfo.org*, that we would post information in the districts, that are the Clean Elections districts, that give people information about how to contribute to a candidate. It's not the easiest information to get if you're not tied in and if you haven't been asked. So we plan to include that on the Web site.

What happens with the Web site is that you put in your municipality, and your district comes up. We will be soliciting information from every candidate who is running, that we will post by graphic information, as well as an issue statement, and we include a description of the district. So it tells you something about the way the district voted before. And so for the Clean Elections districts, we will be relying on information, I guess, put out by ELEC about how you can contribute, and the fact that the candidates, in order to participate, have to raise this money.

I think it would be worthwhile even talking to the State Web site person that this is something that could go on the front page of the State's Web site. This is a program that the Legislature has enacted, the Governor has signed. This is something that we, in New Jersey, are

supposed to be proud of, and is really new State policy. It wouldn't hurt to have something right on the front page, that you can click on, that takes you to information about what this is about and then how to contribute to the candidates in the districts that are selected.

I know there's a lot of competition for getting on the front page of the State's Web site. I think this might be worth pursuing.

Thank you.

SENATOR SCHLUTER: Mrs. Reed, you have expanded on what Mr. Tao and Mr. DeLuca have said here, and I think that your participation in any kind of a news conference or editorial board meeting would be welcome and would give greater impetus to this. I think that, as Secretary Parisi just said, that the contributions that are solicited had to be from residents of a district-

MS. REED: Right. Exactly.

SENATOR SCHLUTER: --of the people. That's got to be put on there, spelled out very, very specifically.

MS. REED: Right.

SENATOR SCHLUTER: But sometimes going to e-mail sites, going to Web sites, doesn't get as many people as you might ordinarily get. So if we can leave this, sort of, open-ended, that maybe we're going to try to do some kind of media advisory public event and we would certainly like to get the participation of the League of Women Voters, to their membership, and the Common Cause and their membership, and the civic group of Mr. Pozycki -- that this could get the word out there.

MS. REED: The district information that we have on our Web site includes, right up front, a listing of all the municipalities that are in

each district. So it helps the voter figure out where he or she belongs, and in this case, would certainly emphasize that if you live in one of these municipalities, you can participate.

SENATOR SCHLUTER: Good.

Does that cover that?

Did we have somebody back there that wanted to add to our knowledge and information?

WILLIAM COULTER: The name is William Coulter. My wife, Dolores, is running in the 9th District. I'm interested in some of what you've said today. It's a wonderful thing that you're doing, and it's a great idea.

I have one comment. We are out talking with people, and the main question that's coming back to us is, how are you going to pay for this, in a larger amount, or how are you going to pay the larger amounts when you're looking at more districts in the future? That's continuously coming back to me. All right? That was one of the questions.

The other question I have for you is, all the information you detailed today, including all the facts and figures on the other districts, will you be putting that on the Web page? You come out with your minutes after each meeting. All right? Will all those facts and figures be in those minutes as well? The graphs that he made up--

SENATOR SCHLUTER: I think that there is a transcript which is available of this meeting.

MR. COULTER: Okay. But that would be going on the Web page, like you're doing every other time?

SENATOR SCHLUTER: Is the transcript on the Web page?

MR. PARISI: The transcript is put on the Web page, as a matter of course. It's up to the Commission if they would like the documents which were discussed today to be put on as well. It's their call. If they would like to, we certainly can do it. We have the technical capability of doing so.

MR. COULTER: Would I be out of place asking for the estimate on the 11th District? You gave two districts -- the 6th and the 9th. What happens in the 11th? How much money are we talking about?

SENATOR SCHLUTER: Is your wife in the 11th District?

MR. COULTER: No. My wife is in the 9th.

SENATOR SCHLUTER: All right.

The 11th District is \$79,275.

MR. COULTER: How much?

SENATOR SCHLUTER: Seventy-nine thousand. But there is a little asterisk by that -- and you can get a copy of that -- because there's one number which looks a little bit strange.

MR. COULTER: The \$400,000.

SENATOR SCHLUTER: It had \$400,000, yes.

MR. COULTER: I heard that. You were talking about that.

It seems like a big disparity -- it seems like a big difference within these districts. You're talking about 79,000 in the 11th; you're talking about 60,000 in, I think, the 6th; and then you go down to 20,000 in the 9th District. By the time we start raising that \$20,000, you might as well just leave it with us, because that's exactly what we have to raise. Twenty thousand, five hundred, is -- we're in a no-win situation here.

SENATOR SCHLUTER: That's an interesting point, but part of the bill is to make it a level playing field and make it competitive.

MR. COULTER: Well, the--

SENATOR SCHLUTER: And that's the formula that came out of it.

MR. COULTER: Okay. Well, you can be assured that if they do do the 9th, that the candidates on that side will not do it, because they raise way over that amount of money, and they will in the future.

SENATOR SCHLUTER: Then the candidates who do do it are going to get their money.

MR. COULTER: Well, we'll see. (laughter)

SENATOR SCHLUTER: Thank you.

MR. COULTER: Thank you very much.

SENATOR SCHLUTER: Thank you for coming.

MR. COULTER: Thank you very much.

SENATOR SCHLUTER: All right.

Dates for the next meeting?

The 10th of August. What day is that? I just picked a number out of the air.

MR. TAO: The 10th is a Wednesday.

SENATOR SCHLUTER: The 10th is a Wednesday. Why doesn't the Secretary send an e-mail to our members and give several dates where there is no calendar in the Legislature -- I don't think there is, anyway -- and get a consensus. And somewhere, say, between the 7th and the 15th, or something in there, the second week--

MR. PARISI: Between the 7th and 15th of August?

SENATOR SCHLUTER: Yes. Somewhere in there.

MR. TAO: And, Mr. Parisi, if you wouldn't mind conferring also with Ms. Reed to determine whether or not any of those dates would be available for her schedule as well. Because I think--

MR. PARISI: Yes, certainly.

ASSEMBLYMAN BARONI: And also, Mr. Parisi, if it's possible, on the -- I think you've got everyone's e-mail -- is it possible when we know that the State chairs, when they certify -- if you could just sort of e-mail us and tell us?

SENATOR SCHLUTER: Yes.

MR. PARISI: Certainly. When I get the information, I will send it out to everyone.

ASSEMBLYMAN BARONI: Great.

MR. PARISI: But I believe it's sent directly to the Election Law Enforcement Commission, by reg. Isn't that correct? For who is certified -- becomes -- which district is selected. Aren't the individual State chairs supposed to notify you as soon as possible?

DR. HERMANN: Yes.

MR. TAO: For the record, Mr. Hermann is nodding yes.

MR. PARISI: So if you could, perhaps, Fred -- if you could send it to me, if I haven't received it. I will then forward it to the members of the Commission.

DR. HERMANN: We'd be happy to do that.

SENATOR SCHLUTER: Is there any more business? (no response)

Hearing none, is that a motion to adjourn?

MR. DeLUCA: So moved.

SENATOR SCHLUTER: So moved.

All in favor? (Ayes respond)

So moved. So ordered.

(MEETING CONCLUDED)