

---

---

# *Commission Meeting*

of

## NEW JERSEY CITIZENS' CLEAN ELECTIONS COMMISSION

*"Receive testimony from all interested parties concerning findings contained in the Preliminary Report of the NJCCEC, issued on February 7, 2006"*

---

---

**LOCATION:** Committee Room 7  
State House Annex  
Trenton, New Jersey

**DATE:** February 28, 2006  
4:00 p.m.

### **MEMBERS OF COMMISSION PRESENT:**

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

### **ALSO PRESENT:**

Frank J. Parisi  
*Commission Secretary*  
*Office of Legislative Services*  
Gina M. Winters  
*Commission Staff*  
*Office of Legislative Services*



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

---

---

## TABLE OF CONTENTS

	<u>Page</u>
Steve Ma Associate State Director Grassroots and Elections American Association of Retired Persons-New Jersey	10
Sandra L. Matsen Director of Advocacy The League of Women Voters of New Jersey	28
Marilyn Carpinteyro Organizer New Jersey Citizen Action	38
Abigail Caplovitz Legislative Advocate New Jersey Public Interest Research Group	41
lmb: 1-65	

(The New Jersey Citizens' Clean Elections Commission held a teleconference meeting on February 28, 2006 at 4:00 p.m. Curtis Tao, a member of the Commission, was present via teleconference.)

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

MR. PARISI: Certainly, Mr. Chairman.

Curtis Tao? (no response)

Carol Murphy? (no response)

Steve Lenox?

MR. LENOX: Here.

MR. PARISI: Vic DeLuca? (no response)

Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Here.

MR. PARISI: Assemblyman Baroni?

ASSEMBLYMAN BARONI: Here.

MR. PARISI: Senator Bucco? (no response)

Chairman Schluter?

SENATOR SCHLUTER: Here.

Has any inquiry been made of you, Mr. Secretary, about the Senate vacancy, or do we have any idea of when that might be filled?

MR. PARISI: I have not received any information in regard to that vacancy.

SENATOR SCHLUTER: Okay. Well, we have legislators here. If you can let it be known that now would be the time for another person--

ASSEMBLYWOMAN GREENSTEIN: Is it a Democrat or a Republican?

SENATOR SCHLUTER: It is a Democrat -- to take Senator Scutari's seat. Now would be the time to get in on this, not another month from now when we've done most of our work. So if you can urge another person to be -- to get on board.

Today we scheduled a hearing for all of the interest groups to respond to the report and to comment on whether they thought we were short or where they agreed with us, and to come up with any additional comments. But before doing that, while we have at least a better attendance, a better representation, I want to check-- In your folder, you will have the list of the possible days for future Commission meetings. And I would like to get some sort of consensus.

Do we have Curtis Tao on the line, or is there a way to get him on the line?

MS. WINTERS: He was supposed to call in.

SENATOR SCHLUTER: He was supposed to call in.

MS. WINTERS: He was supposed to call the line, but he hasn't called yet. But it's available for him whenever he's ready.

SENATOR SCHLUTER: And that's -- in other words, automatically, when he calls in, he'll get on that line, and we don't have to initiate anything from here? Okay.

Well, meeting number one is today. Meeting number two, March 14 or 15? Do we have any comments from people here on either of those two dates? I cannot make it on the 15th, unless I get a cancellation.

MR. LENOX: I was going to say, Wednesdays tend to work a little bit better -- tend to fit into my schedule better.

SENATOR SCHLUTER: But you could make it on the 14th?

MR. LENOX: If I had to, I could try to make it on the 14th, yes.

SENATOR SCHLUTER: Assemblyman?

Assemblywoman?

ASSEMBLYMAN BARONI: I have no idea. Wednesdays are never good.

SENATOR SCHLUTER: Wednesdays are not good.

ASSEMBLYWOMAN GREENSTEIN: I don't have a specific day that's not good.

ASSEMBLYMAN BARONI: You shouldn't -- don't schedule around me.

SENATOR SCHLUTER: Let's aim for the 14th. Let's aim for the 14th.

Assemblyman Baroni says Wednesday is bad, and Assemblywoman Greenstein says that she does not know yet. But if you could call in.

ASSEMBLYWOMAN GREENSTEIN: Okay.

SENATOR SCHLUTER: I know your schedules are hectic and I know they change a lot.

ASSEMBLYWOMAN GREENSTEIN: They change constantly. But as far as I-- I don't have them with me.

SENATOR SCHLUTER: But what we want to try and do is, we are going to build up a certain amount of -- backlog of information on this, and make it very difficult coming in after a couple of misses of the various meetings.

Now, on the 28th or 29th, are there any negatives for either of those two dates? The 28th is a Tuesday and the 29th is a-- And at the same time -- 4:00 to 7:00. The 29th is Wednesday.

ASSEMBLYWOMAN GREENSTEIN: There's an outside chance I'll be away, but I'm not sure.

SENATOR SCHLUTER: You might be away, but you're not sure.

ASSEMBLYWOMAN GREENSTEIN: Might be away. I'm not sure yet. Because that's the time we're not in session.

SENATOR SCHLUTER: Assemblyman, can you let -- have your schedule or let us know on those?

ASSEMBLYMAN BARONI: Absolutely. Absolutely.

SENATOR SCHLUTER: And Steve, you say Wednesday is better?

MR. LENOX: Yes.

SENATOR SCHLUTER: I checked my schedule, and both of those days are okay for me. So depending on -- I think after this meeting we ought to send it out to the other people like Ms. Murphy and the other members just to say that this is what we're zeroing in on.

Monday the 10th or Tuesday the 11th. The 10th -- is that a-- By that time, you have the legislative break, don't you?

ASSEMBLYWOMAN GREENSTEIN: Yes. The only thing that would keep me is Passover, and I don't know what date it is.

MS. WINTERS: Passover begins on the Wednesday. That's why--

ASSEMBLYWOMAN GREENSTEIN: Oh.

MS. WINTERS: --we did it Monday and Tuesday that week, because Passover begins Wednesday evening.

SENATOR SCHLUTER: Wednesday the 12th.

MR. PARISI: The 12th.

ASSEMBLYWOMAN GREENSTEIN: Probably Monday is better for me, probably.

SENATOR SCHLUTER: Monday is better for you?

ASSEMBLYWOMAN GREENSTEIN: Yes.

SENATOR SCHLUTER: Tuesday would be bad for me. I could make it. It's not a make-or-break-- So let's call it for Monday the 10th, as tentatively positive. If staff could make a note that if -- I could make it on the 11th, if absolutely necessary. But the 10th is preferred. But I can't make it on the 15th.

Tuesday the 18th or Wednesday the 19th? Everybody's got to check their schedules and give us a -- either of those two dates that you can't make it.

Report release date is May the 5th. Now, this gives us -- for meeting number two, three, four, and five -- four work sessions.

Here we go. Glad you are here. Let the record show that Mr. DeLuca is here. We have a quorum. Get yourself--

MR. DeLUCA: Situated.

SENATOR SCHLUTER: --situated. And in your folder there, we're going over the dates, Vic. So if you could look over those. We've gone over them, and there have been a couple of expressions of when people can come and when they can't come. And I'll tell you what we have come

up with. We're aiming for meeting number two, but we're aiming for the 14th of March. Is that open for you?

MR. DeLUCA: No.

SENATOR SCHLUTER: It is not?

MR. DeLUCA: No.

SENATOR SCHLUTER: Is the 15th open?

MR. DeLUCA: Yes.

SENATOR SCHLUTER: The 15th is dead for me. (laughter)

MR. DeLUCA: Well, you're much more important than I am, sir.

SENATOR SCHLUTER: Could you be with us by teleconferencing?

MR. DeLUCA: Yes.

SENATOR SCHLUTER: You could be with us by teleconferencing?

MR. DeLUCA: Yes.

SENATOR SCHLUTER: So if we come up with a schedule for the 14th, and say that we're going to address items A through S, or whatever it might be, then you could -- then we could go right down the list and you'd be-- So let's stick with the 14th.

The third meeting -- a couple of people around the table could not say, so we're going to have to get back. Are either of those dates out for you or--

MR. DeLUCA: The 29th is better.

SENATOR SCHLUTER: The 29th is better. Well, that's better for Mr. DeLuca, so let's-- We'll depend on staff to pick all this up.



On the fourth meeting, we heard a little bit of a consensus for the 10th, which is a Monday. Is that okay?

MR. DeLUCA: Yes, yes.

SENATOR SCHLUTER: So we're still with a consensus on the 10th. Then the fifth meeting, we're going to have to wait to get others to-- Is either of those out for you?

MR. DeLUCA: The 18th is no good.

SENATOR SCHLUTER: The 18th is no good for--

MR. DeLUCA: Generally, Tuesday nights are no good, because I have Township Committee meetings--

SENATOR SCHLUTER: In Maplewood.

MR. DeLUCA: --in Maplewood. Yes.

SENATOR SCHLUTER: It's not your Township basketball?

MR. DeLUCA: No. That's Wednesday, and that's over. (laughter) I gave that up with the last round of meetings.

SENATOR SCHLUTER: So Wednesdays, but -- well, let's aim for Wednesday the 19th. Is it -- do you meet every Tuesday?

MR. DeLUCA: We meet, and then I have office hours and planning board. So Tuesday night is tough.

SENATOR SCHLUTER: Tuesday night is tough. Well, okay. We've got a little bit of direction there, and we will proceed.

The meetings, after today's meeting, are going to be at the same time, but they will not be here. They will be in the Conference Room of the State Government Section, which is just down the hall. And these will be executive session meetings. These are going to be work meetings. And the reason that -- unless we can discuss this-- But unless people have a strong

objection, I've checked with staff and I've checked with a couple of people -- that it might be better while we're doing our work to do it in executive session. And then we won't get public or interest groups to second-guess us and pick us apart in the process, and things like that. But anybody that is on the Commission is free to take some work that we do in any of these meetings and go and check it out with anybody that you feel is-- And you can do that on your own and you can find out what you want to do that way, without putting the Commission in a position where the results of our work comes out in dribs and drabs, which will not be, I think, very good.

So having said that, do we have comments from any of the Commissioners, starting with Vice Chairman, Mr. Lenox?

MR. LENOX: No. Thank you, Chairman.

SENATOR SCHLUTER: Assemblyman Baroni?

ASSEMBLYMAN BARONI: I'm in full agreement.

SENATOR SCHLUTER: Okay.

Assemblywoman?

ASSEMBLYWOMAN GREENSTEIN: No comment.

SENATOR SCHLUTER: Mr. DeLuca?

MR. DeLUCA: I just wanted to say that I thought our press conference went well. I thought everybody did a good job. I thought our press conference went very well. If our goal was to shore up editorial support, we did a good job. And I think that in the court of public opinion we've won. But I think now the task is to really craft a new bill, if you will, going forward. But I think it was clear from all the editorials that this should go forward, and it needs tweaking, as we all said. And I thought that was a good message that they picked up.

And just one technical thing: Do you think it would make sense, since we're in public session here, to formally vote to go into executive session on these other dates, just for the record?

SENATOR SCHLUTER: I think that would be very appropriate. If you would like to make a motion.

MR. DeLUCA: I would move that the meetings two, three, four, five -- whenever the dates are selected -- be held in executive session.

SENATOR SCHLUTER: Is there a second?

MR. LENOX: Second.

SENATOR SCHLUTER: Seconded.

Discussion? (no response)

All in favor?

Go ahead, if you could call the roll, please?

MR. PARISI: Okay.

Steve Lenox?

MR. LENOX: Yes.

MR. PARISI: Victor DeLuca?

MR. DeLUCA: Yes.

MR. PARISI: Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Assemblyman Baroni?

ASSEMBLYMAN BARONI: Yes.

MR. PARISI: Chairman Schluter?

SENATOR SCHLUTER: Yes.

MR. PARISI: The motion carries.

SENATOR SCHLUTER: Good point.

And we thank all of the interest groups for helping to make that press conference a success. Because they were there in force and they helped us a lot with our preliminary report and a very bolstered (indiscernible) what we did say.

We have two people who have submitted requests to testify today. And we haven't heard from Citizen Action. If they would like to submit a form and testify, please do so. And the first person is Steve Ma of AARP, who has delivered formal testimony here.

**S T E V E M A:** Yes. You should have written testimony. I have additional copies if you need any.

**MR. PARISI:** Steve, you need to press that red button. (referring to PA microphone)

**MR. MA:** Red means go.

**MR. PARISI:** Red means go.

**MR. MA:** Yes. I have written testimony, and I think everyone has a copy. I can give more if you need. I'm glad to see Mr. DeLuca. It didn't feel right -- the seat being empty there for a while. (laughter)

I just wanted to quickly say that, first, AARP commends the Clean Elections Commission for all of their great work and their commitment to this vital issue. We believe that Clean Elections offers great promise for government integrity and -- happy to see that the Commission supports the expansion and reauthorization of this program.

There are a number of findings in the report that we absolutely agree with: The qualifying contributions were too many; two different qualifying amounts were confusing and unnecessary; the seed money limit was too low; the paperwork requirements were cumbersome and

counterproductive. All of those things in an expanded and reauthorized Clean Elections programs will, hopefully, be addressed.

What I wanted to particularly point out -- our support for your recommendation that Clean Elections includes primaries. Without the primaries, the Clean Elections program in New Jersey would be just a fraction of what it could be. Speaker Roberts is in support of it. I think most of the members of the Commission are absolutely in support of it. I think every organization that has testified on Clean Elections is actually with me in support of including primaries.

And quite honestly, if AARP's support for Clean Elections is to continue, primaries need to be included in any future ramifications of this program. They are absolutely that vital and would ultimately be a make-or-break issue, if it weren't included.

There's two particular points that we wanted to bring up that haven't been addressed in this report, and I think need to be looked at: The first is expanding this program to more than four or six districts. I know the original bill said four districts. The Commission, in its report, has suggested six. But I think that recent actions in Connecticut provide an impetus for New Jersey to, maybe, relook at our commitment to Clean Elections, and perhaps look to expand it to far beyond six districts. And we would actually recommend moving to all 40 districts.

When Maine and Arizona started their Clean Elections program, they began it statewide. Connecticut, through a special session of their Legislature, just passed a Clean Elections program for all 40 districts. And if those states can all implement Clean Elections in one legislative election cycle, it doesn't seem to make sense that New Jersey would need

three, or potentially more, election cycles to do the same thing. We're very smart, educated, talented people here in New Jersey, and I think we can definitely learn from the pilot that we've all been through, to learn from the Commission and figure out a way to expand this program far beyond the six districts that you're currently recommending.

The other piece that I think that needs to be addressed is the total amount of money that a candidate who qualifies for Clean Elections receives. There is nothing in the report at this point that talks about that. I think it's one of just the outstanding issues. But the key point -- and I've testified on this before -- but the key point is we need to make sure that candidates who are running Clean have an adequate amount of money to run a competitive race. It won't guarantee their victory, but they need an adequate amount of money to run a competitive race. And right now, the limit at \$100,000, at first blush, seems too low in certain legislative districts. So AARP is happy to work with the Commission to discuss any potential funding formulas for a future Clean Elections program. But I do think that's an important piece that needs to be looked at and adjusted upwards.

And finally, I just wanted to mention that there is a bill that has been introduced by Assemblywoman Handlin, cosponsored by Assemblyman Corodemus, on Clean Elections, and AARP has a number of concerns with that bill. It does not include primaries. It only expands to four legislative districts. And it actually prohibits Clean Elections from being expanded to 2009 or beyond, unless a citizen referendum is held and approved by the voters. Those provisions we're not in support of whatsoever.

And we're looking forward to working with this Commission to develop a proposal in the near future that can do a lot of the things that we want to do in Clean Elections and move it forward in the appropriate way. I don't think at this point that bill is the right vehicle. Hopefully, the Assemblywoman and the Assemblyman will be open to constructive criticism and potential amendments. But I would love to see this Commission come up with proposals, as you say you're going to do, to really incorporate the things that we need to do to expand this program in the appropriate fashion, including primaries, including more districts, and not including a requirement that expanding Clean Elections be subject to a referendum.

That's all I have right now. Thank you for all your time and attention, and all your good work on this issue.

SENATOR SCHLUTER: Thank you, Mr. Ma.

Let's have questions from the Commission members.

Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

Good evening, afternoon, whatever. (laughter)

I know you and I have had some discussions about this recently. And I know that you said that primaries are a really a make or break in terms of the AARP support. Do you feel that way as well about the idea of the number of districts? Is that a make or break?

MR. MA: I don't think we're going to oppose the Clean Elections program that does the right things, that's not in all 40 districts. But again, as I say, if Connecticut, Maine, Arizona, and all these other states can move to 40 legislative districts in one fell swoop, we've already

had a pilot that I think really taught us a lot. You can debate how successful it was or not. But I think one thing we absolutely got from the pilot was a very good understanding of some of the potential pitfalls. And I think if we take those lessons and implement them correctly, we can absolutely move to a much--

(telephone beeps)

I think that's Curtis calling in, perhaps.

We can move to significantly more districts than four or six.

ASSEMBLYWOMAN GREENSTEIN: The reason I asked is, I think there is going to be some sentiment out there -- and I don't know if they'll be any on this Commission -- to sort of get it right. In other words, do another -- I don't know if you'd call it a pilot -- but another small program to get everything right before moving on to a relatively large number of districts. I have no idea if that's the conclusion this Commission will collectively come to, but I think that that is going to be some sentiment out there. And that's why I wondered about AARP, because I know how you feel about the primaries being included.

MR. MA: Well, I'll just reiterate that.

ASSEMBLYWOMAN GREENSTEIN: You'd just like to see it happen.

MR. MA: That I think we learned a lot from this pilot. Other states have done this. I think we can move just to 40 districts. The recommendations that you've already come up with will go a long way in solving the problems with Clean Elections. And I think the time to move forward and expand is now.



ASSEMBLYWOMAN GREENSTEIN: And the other thing that I'm glad to hear you say, because it's something that I felt, is -- especially being in a competitive district as Assemblyman Baroni and I are -- that I was concerned about that \$100,000 figure as a top figure. And I think the goal here is where the money comes from, less so the amount. So the amounts play into it too. But I was concerned about that as a top number, and I'm just glad that there's openness to the concept of looking a little more closely at how we determine how much a competitive district should get.

MR. MA: And I think that's exactly right. One of the primary goals of Clean Elections is to change where candidates are raising their money from. There is a, sort of, competing goal that we want to reduce the overall amount of money spent in elections, in general. But the bigger concern is where candidates are raising money from. We know that it costs money to run elections. We know that in New Jersey it is very expensive. The media buys are very expensive here in the state. And to run a competitive election, we want to provide enough funds to make the Clean Elections program attractive enough for candidates in competitive districts to actually want to opt in. So that number definitely needs to be looked at and potentially raised.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

SENATOR SCHLUTER: Mr. DeLuca.

MR. DeLUCA: Yes. Thank you.

You've raised this bill, 2482. They make-- Did you take a look at it?

MR. MA: Yes.

MR. DeLUCA: Okay. They make this distinction between a Clean Elections candidate, which raises all his or her money in the Clean Elections process, and a Clean Elections contender, which allows some private fundraising. Would you be in favor of something like that?

MR. MA: I don't think it allows -- a Clean Elections contender -- I don't think it allows private money. It just provides less public money.

MR. DeLUCA: Oh, but it does allow somebody to go out and raise money--

MR. MA: Additional private dollars?

MR. DeLUCA: --up to the 100,000, yes.

MR. MA: As a general reaction, it's not something that I think is -- AARP thinks is necessary. The model that has worked in Maine and Arizona allows candidates to simply qualify. And once they qualify, they're just a Clean Elections candidate, period. I think the challenge that we had in New Jersey was the number of qualifying contributions was so high that we sort of thought there might be a need for creating a second tier of public funds that would come to people who can't get enough qualified contributions. But if we drop the number down, of qualifying contributions in this next iteration of Clean Elections, I don't think we would necessarily need two bars to jump over, for instance. We could just have the one bar and make sure that the number is the appropriate number for qualifying contributions.

MR. DeLUCA: Okay. And that was my next question. What is the appropriate number? Now we're getting down to numbers crunching here.

MR. MA: Right.

MR. DeLUCA: What would you say? Fifteen hundred is clearly too much.

MR. MA: Right.

MR. DeLUCA: What would you say the number should be?

MR. MA: I think a more appropriate number might be half of that -- 750. I think 1,000 is a reasonable amount. What we're trying to do is prevent a sort of -- the candidate with no real popular support from receiving a significant amount of public dollars, and yet still allow enough candidates to run for office. And when using this system, clearly the 1,500 number was too high. The two different qualifying contributions were confusing. Setting a number around 750, 1,000, I think would be more appropriate.

MR. DeLUCA: Okay. Thank you.

SENATOR SCHLUTER: Mr. Lenox.

MR. LENOX: No questions, Chairman. No.

SENATOR SCHLUTER: Mr. Baroni can-- Is Mr. Baroni coming back? Okay. I have a couple of questions. Well, we'll keep this witness here until he comes back. (laughter)

MR. DeLUCA: That's why the State Trooper came in. (laughter) You're not allowed to leave.

MR. MA: I'm not going anywhere.

SENATOR SCHLUTER: Thank you, Mr. Ma. And we appreciate your very diligent work in analyzing this and your cooperation with the Commission. Now, I think I heard you, at some point, either in verbal discussion or in some sort of written notes, talk about expanding the number of pilot districts -- the number of districts in the next pilot program

to reflect the major newspaper watershed -- the newspaper areas. For example, we didn't have anything in Essex for *The Star-Ledger*. We didn't have anything in Bergen for the *Bergen Record*. We didn't have anything in, like, Atlantic County for the-- And yet you talk about -- I thought you said that you would be in favor of going to all 40 districts in 2007. Is that right?

MR. MA: Basically, as I responded to Assemblywoman Greenstein, we think that at this point, this state really could move to 40 districts and run Clean Elections throughout the state in the 2007 legislative elections. If that doesn't happen, if the Commission -- if ultimately the legislation that passes out of the State Legislature does not include all 40 districts, then we think it's important that there be a good mix of districts in terms of geographic range, in terms of media markets. One of the big challenges with this program was, it was difficult to educate the public, as the Commission absolutely has found. And placing the-- If there is another pilot, placing those districts in places where there are major media markets, major newspapers, and having geographic diversity, I think, would be a very important thing to consider as we expand the program.

SENATOR SCHLUTER: So that, then, this is not a make-or-break issue, as far as going to the 40, but you would like to see more in the next go-around rather than just the -- what did we say in our findings -- that it should go to three districts, Mr. Parisi, or was that six?

MR. DeLUCA: Four. We said the 6th, the 13, and four others.

SENATOR SCHLUTER: Six and 13, and four others. So that would be--

MR. PARISI: So it would be a total of six.

SENATOR SCHLUTER: A total of six districts. And your position is, you'd like to see it go to more so it would have regional coverage.

MR. MA: My written testimony says, "We need the Legislature to act swiftly and boldly to adequately provide for the uncompromising integrity of our government institutions." When I mean *swift and bold*, I think that four districts, six districts aren't very bold, and it's not very swift. So let me just say that, again, Connecticut did this in one fell swoop in a special session. Maine and Arizona did this through a referendum, but expanded Clean Elections throughout the state in one fell swoop. New Jersey can do the same.

SENATOR SCHLUTER: Do you see--

Excuse me, Mr. Baroni, you were out, so you have the -- before I get into more questions, do you have some questions?

ASSEMBLYMAN BARONI: You're doing fine, Chairman.

SENATOR SCHLUTER: Okay.

One of our areas of concern -- I think it was an area of concern -- was the fact of picking the districts.

MR. MA: Right.

SENATOR SCHLUTER: And I think that we sort of concluded, and we said, we implied that they should continue in the same manner. Do you think that -- do you have anything to say about how the districts are picked or the standards that should apply to the various districts in picking them?

Assemblywoman Greenstein talks about a very competitive district, which might give pause to those people who are in the district of entering into the program.

MR. MA: Right.

SENATOR SCHLUTER: But the districts that were picked and the districts that were in the option to pick were not really very competitive.

MR. MA: Right. Well, this is, again, one of the reasons why it makes sense to move to 40 districts. Because if you move to 40, you solve a lot of these problems of education, and picking the districts, and getting in the right media markets. All of those things are solved. Again, if that doesn't happen -- and AARP absolutely supports that it would and hopes that it would -- but if it doesn't happen, choosing the correct districts-- Again, as I say, I think it's important to include geographic diversity to include at least some criteria that's connected to which media markets the districts are in, that there be proper funding for education. If this is not a statewide program, then there needs to be education. It confuses voters to be on one side of the street and not in the Clean Elections districts, and on the other side of the street they are. And so, additional funds need to be appropriated to educate people correctly.

In terms of choosing the districts, I think there was at least a philosophical discussion on whether it would make sense to move that decision-making process to the Commission -- I think that makes sense -- as a way to sort of inoculate the district-selecting process from the political process. This Commission, I think, has shown to be a very nonpartisan Commission that is working with the best intentions of New Jerseyans in

mind, in general, and I think moving that process to this Commission would make a lot of sense.

SENATOR SCHLUTER: But do you think that this would discourage or inhibit the program getting enough volunteers to agree to be Clean candidates in the districts that are picked, if they are picked from a more competitive standpoint?

MR. MA: I'm convinced that if we create the rules for this program correctly, learning from what we did, learning from what happened in 2005, learning from Maine and Arizona and the Connecticut models, this program is attractive enough for candidates to opt in, if it's available for nearly everyone. In Maine, I'm fairly certain about 80 percent of the sitting legislators are there because they ran Clean. The program is extremely attractive. And although it's optional in every state where it exists, when the option exists, by and large the candidates will opt in.

Another reason for expanding to more than six districts is to ensure that a number of candidates will opt in. There might be some districts where candidates opt out. But we want to make sure we're offering the program to as many qualifying candidates as possible. And so expanding the number will serve that end.

SENATOR SCHLUTER: Mr. DeLuca asked you about the provision in the Handlin bill, about -- I guess it's matching funds, a matching fund process, whereby if they raise some money then it's matched by the public money. We have, in the Clean Elections program so far -- the pilot program -- and all of the thinking has been no matching funds. Does AARP have a position on that?

MR. MA: Maybe I'd have to reread the bill. As I read the bill, or my understanding of the bill was, if you get, I think, 210 to 419 qualifying contributions you would qualify as a Clean Elections contender, and the public funds that would be available to you would be up to \$50,000. If you get more than 420, or more qualifying contributions, then you would get the full \$100,000 maximum Clean money allocation. I don't recall the provisions on the matching funds. But there are important provisions from the Maine and Arizona model that allow for matching funds to be distributed if there is an independent expenditure or if the candidate that you're running against is not running Clean. Those matching funds are very important and a big part of the success for Clean Elections. So we absolutely need matching funds for candidates who are outside the Clean Elections process; and for independent expenditures and such political activities.

SENATOR SCHLUTER: You don't mean matching funds. You mean public funds.

MR. MA: Public, matching. Essentially, the way the Maine model works is, there is a Clean money limit. But if a candidate who you're running against is not a Clean candidate, then you will get matching funds, dollar for dollar, for everything they spend above your limit up to a certain point.

SENATOR SCHLUTER: Yes. I would caution you not to use the word *matching*. Because matching in the context of fundraising means that the candidate raises a certain amount and then the State matches that.

MR. MA: Okay, correct.



SENATOR SCHLUTER: And Mr. Parisi has pointed out, here in the Handlin bill, that if they-- You can explain it to them.

MR. PARISI: I'll just read the provision. It defines a Clean Elections contender to mean "a candidate seeking election to the office of member of the Senate or office of member of the General Assembly who has raised at least 210 contributions in amounts of no more than \$5 each, but fewer than 420 such contributions, and is therefore eligible to receive a maximum of \$50,000 from the New Jersey Fair and Clean Elections Fund and raise an additional \$50,000 by other means."

SENATOR SCHLUTER: See, that *raising \$50,000 by other means*, means getting back to the old system, as I understand it.

MR. DeLUCA: Yes. That's how I understood it.

SENATOR SCHLUTER: Meaning from contributors--

MR. MA: From hearing that, I must have just missed that sentence in the bill when I read it. Yes, we'd be opposed to that. That moves away from the Clean Elections model, which essentially allows candidates to run for office using public funds exclusively. And that's really what we're trying to get to here. I think the idea of raising money through private dollars, I hope in 100 years, will seem like an antiquated system that didn't make any sense. And the Clean Elections model that allows for full public financing is the one that we endorse.

And I do want to, I suppose, correct myself -- that the use of the term *matching funds* is, as you say, in New Jersey-- Matching funds generally allow candidates to raise money in certain amounts and then the State will match it. Again, that is contrary to the Clean Elections model and not something that we support for this bill.

SENATOR SCHLUTER: Okay. Now, we have to discuss this on our Commission, but we're trying to get some more ideas. And the Handlin bill had a provision which was talked about a lot at our hearings, and that is: a number of contributions required would be a tiered approach. In other words, applying it to the primary, if you got 400 contributions, you would qualify for a small amount of money. It might be \$50, whatever it might be. And then if you got another 400, it would qualify for a next tier, or maybe another 600 you'd get to the top tier. This means that people who don't have the ability -- third party candidates -- would not be totally shut out, if you have this tiered situation. You would also, I think -- if it is properly crafted, could apply to primaries where you get, perhaps, multiple candidates running and you have a certain limit on the amount of public funds that could be available. Does a tiered approach make sense in that respect?

MR. MA: I think that, again, setting the numbers is a critical point here. I think a lot of these problems are solved if you lower the total amount of qualifying contributions necessary to qualify to a more appropriate number. I think that sort of solves the necessity for having a tiered system. If a candidate who wants to run for office in New Jersey and represent a legislative district in New Jersey -- which has I think, generally, around 200,000-something people -- if that candidate can't get more than -- let's say, whatever the number is -- 500 or 750 qualifying contributions, then perhaps that candidate shouldn't get any public dollars. And I think that's really what the Commission needs to do. What we, as advocacy groups, need to do is to figure out what that appropriate number is to make

sure that that candidate is qualified. If the candidate is qualified, they should be given funds.

Essentially, what the Maine model does -- the Clean Elections model across the country does -- is it levels the playing field. Everyone who qualifies gets the same dollar amount. So no longer does the campaign rest on who raises or spends the most money. But the campaign is decided by who the best candidates are. And I think there's a great value of having an even playing field, and then allowing the candidates to do the best that they can with the same amount of resources to get the most votes and ultimately win their election.

SENATOR SCHLUTER: Any more questions? Does this raise any more questions?

ASSEMBLYMAN BARONI: A very brief question for you -- AARP's position on ballot designations as Clean Elections candidates?

MR. MA: We'd be in support of-- I assume what you mean is if somebody is running Clean and they've qualified as Clean, then on the ballot it would designate somehow that they were Clean.

ASSEMBLYMAN BARONI: Right.

MR. MA: Yes. We'd be in support of that.

SENATOR SCHLUTER: Mr. DeLuca.

MR. DeLUCA: Two things: I just wanted to go back to your number of 750. If 750 was the minimum qualifying contributions in the 6th District, all four of the candidates would have qualified. There are actually almost 6,300 contributions there. And then in the 13th District, Assemblyman Thompson had 744 and Assemblywoman Handlin had 607, which was pretty close. Maybe if it was 750, they would have got a lot

closer. So maybe we should use these numbers to guide us a bit. The Democrats, of course in 13, dropped out early. So maybe that 750 is a number to think about.

MR. MA: Yes. I think those are interesting numbers. I also think that since this is the first go-around and since it was such a limited pilot, the education--

MR. DeLUCA: Right.

MR. MA: --around the program was not very adequate. And ultimately, it was more difficult for candidates to collect these qualifying contributions. If this program is expanded -- and because of the good work of this Commission, and all the media that's around this program -- hopefully the next time we do it, citizens will understand it more and candidates will be more readily able to collect these qualifying contributions as well.

MR. DeLUCA: The other point I want to make about the primary elections -- and I hope the advocates keep our feet to the fire on this. This is-- I thought it was an interesting comment from the thesis of Benjamin Brickner (phonetic spelling) -- did in his analysis of New Jersey. He writes here, talking about, the ineligibility of primary elections in New Jersey is detrimental. I guess change here, he talks about. But in any event, he writes, "The primary election cycle, which remains privately funded, will determine the major party candidates who are eligible for public funding. The pilot project will essentially use taxpayers dollars to fund the campaigns of those candidates selected in the privately funded, major party primary elections." In essence, if we're really talking about fundamental structural change, it has to occur at the primary level.

MR. MA: Absolutely. And that's why we're saying it's a make-or-break issue. If primaries are not included, it just doesn't make sense. It's not true reform. It's not true structural reform. And I think, at best, would be window dressing -- it would sound nice, but ultimately not do the kinds of things that we need Clean Elections to do.

MR. DeLUCA: Thank you.

MR. MA: Thank you.

MR. DeLUCA: Thank you, Mr. Chairman.

SENATOR SCHLUTER: So you, Mr. Ma, believe in what Boss Tweed said, in Tammany Hall. He says, "I don't care who does the electing, just let me do the nominating." (laughter)

MR. MA: I think it's a very poignant point -- who gets nominated. And ultimately, a lot of the political decisions that happen and the control who wins and who loses elections happens through party bosses, through money, through the primary system. And if we want to clean that process up and be true to our ideals of reform, we absolutely need to open up this process to the primary system.

SENATOR SCHLUTER: Any more questions? (no response)

Thank you very much, Mr. Ma.

MR. MA: Thank you.

SENATOR SCHLUTER: And if you stick around, you might hear some other things which will prompt you.

Our next person testifying is Sandra Matsen, of The League of Women Voters.

MR. TAO: Mr. Chairman, I just wanted to announce myself for attendance purposes -- Curtis Tao. I've been on the line.

SENATOR SCHLUTER: Curtis, thank you. And Curtis, you will be getting an e-mail from the staff about the future dates of the Commission meetings. We did pass a resolution unanimously. We have five members here. We're losing one now. Steve Lenox has to leave.

Thank you, Steve, for being here.

Curtis, we passed a resolution saying that our next four meetings will be in executive session, and we will be working on the provisions, because we felt that this was the best way to make progress and get the report put together in total, rather than have it released to the public in dribs and drabs. So when you get that about these dates that we have -- that there's been some consensus on -- please give it your attention and let us know when you're available.

MR. TAO: Will do.

SENATOR SCHLUTER: Thank you.

And prepare your questions, Curtis, if you will, as the other members here will do, for Ms. Matsen or anybody else presenting testimony today.

Ms. Matsen.

**S A N D R A L. M A T S E N:** Sandra Matsen, from The League of Women Voters of New Jersey. I would like to commend the Commission on its preliminary report, both for content and readability. And I really want to emphasize that readability. It was, I think, an excellent report. The League agreed with almost all of the findings. I addressed a number of them in the testimony that I presented at the public hearing earlier.

I'll just look at the executive summary and mention a number of points. I'll just take them in order. We support, obviously, continuing

the project and the expansion of it for 2007. We testified earlier that we thought 1,000 qualifying contributions was a level that provided for candidates who were really legitimate candidates running for office -- that the 1,500 was too high. Opposed having two different dollar contributions. Did not and will not testify as to what the number going forward should be, but it should be one number. That it should start early, and of course, this was predicated that it would include the primary. And jumping to that finding, the League also feels very strongly that, moving forward, the process must include the primary. And that is probably also a make or break for us. Including the primary allows you to expand the time, starting the collection, the time which is more effective, collecting qualifying contributions so that you're ready to be a candidate for the primary, and then having basically finished the process.

We testified that we thought the seed money was too low. Suggested \$5,000 to \$6,000, but I don't have any strong data to support that. We also testified that we believe that third party or independent candidates who met the qualifying contributions should be entitled to the same amount of money to run their campaigns.

So, most of your findings addressed our concerns and we look forward to the final recommendation, and being able to support this before the Legislature, moving forward.

SENATOR SCHLUTER: Thank you.

We will start with the members who have questions of Ms. Matsen.

Mr. DeLuca?

MR. DeLUCA: None, Mr. Chairman. Thank you.

SENATOR SCHLUTER: Nothing.

Assemblywoman?

ASSEMBLYWOMAN GREENSTEIN: No.

ASSEMBLYMAN BARONI: The League of Women Voters' position on ballot designation?

MS. MATSEN: I think I testified -- we don't have a position, per se. I think I testified earlier that I would sort of like that Good Housekeeping seal of approval. If it could be a valid designation, that would be great. But some way for many voters -- and maybe I'm being a little idealistic and too League of Women Voterish -- that Clean Elections' public financing is a real plus. And I have to admit that for me personally, if I wasn't paying attention, it could be the deciding factor on who I voted for, that I think would impact other people that way.

MR. DeLUCA: Assemblyman, are you thinking of our Chairman with a thumbs up and little sticker we put on this? (laughter)

ASSEMBLYMAN BARONI: I am likely to suggest that, as a way of designating Clean Elections candidates on the ballot, that we -- not unlike our colleagues in New York state, for example, political parties have logos. The Republicans have an eagle. The Democrats have these logos on the ballot. So I think we need to designate candidates who are Clean Elections candidates on the ballot with a little sketch of Bill Schluter's face. (laughter)

SENATOR SCHLUTER: They'll leave the polling booth. (laughter)

MR. DeLUCA: He'll win every election. People will write him in. (laughter)



SENATOR SCHLUTER: Assemblyman Baroni, with your legal background on election law, do you think that the idea of having a Good Housekeeping seal of approval or a Clean Elections symbol would be legal on a ballot?

ASSEMBLYMAN BARONI: Unquestionably. The ballot is a legislative function. And assuming that designation was not made in a discriminatory fashion, and it was put out in that -- you'd be saying that anyone participating in this program, one of the benefits of the program is to be designated as a Clean Elections candidate on the ballot. I believe it would be likely to be held unconstitutional if you did a negative on the ballot -- if you said if John Smith was not a Clean Elections candidate. But I think, from an affirmative standpoint, I think the Legislature is certainly within its ability to control the ballot. I think the Supreme Court, as recently as a few years ago, said that the ballot legislature in a case called Timmons-- But it's a case that's stood for-- Ideally, the Legislature does have wide discretion when it comes to the drawing of a ballot. And our State has certainly done that a number of times. I can't see a legal reason why he couldn't do it. Who could raise the claim? The only people who could raise the claim, I imagine, is someone who is not a Clean Elections candidate.

SENATOR SCHLUTER: A Clean Elections candidate, yes.

And Mr. Parisi, have you had-- Now something sticks in my mind.

ASSEMBLYWOMAN GREENSTEIN: I thought I had heard something, too -- but it was not backed up by anything -- that there was a problem with it, but I don't know what it was.

MR. PARISI: The counterargument is -- and I don't want to get into a disagreement with the Commissioner -- but the countervailing argument is that (a) it would be discriminatory towards someone, because you would be giving a State endorsement of a particular candidate by saying that they were a Clean Elections candidate -- somebody who is supported by public funds. And the case I would point to would be-- I think it was the *Term Limits versus Colorado*, which said that you could not put any kind of an indication on the ballot in regard to designating whether or not someone has been term limited or agreed with term limits or not. The concern that's been voiced to me is that there may be an artificial -- well, a designation which is being done by the State, which is not, in fact -- which is not unbiased, and therefore would not be permissible.

ASSEMBLYMAN BARONI: If I remember the Colorado case correctly, I think that that was an example of a negative designation. "John Smith has broken a term limits pledge." If I remember the case right, that is why I said I think you have a negative -- it would be unconstitutional to draw a negative inference on the ballot saying -- stemming somewhat from the Colorado case, but others. If I remember the facts of the case correctly, it was "John Smith broke their term limits pledge," I think. And I don't think you can put on the ballot, "John Smith is not a Clean candidate." But I believe, and I think, this is maybe worth looking into. And perhaps, Chairman, we could ask OLS for--

SENATOR SCHLUTER: A legal opinion.

ASSEMBLYMAN BARONI: --a legal opinion on the issue of ballot designations, looking at Maine and Arizona, but also looking at the term limits cases. But looking at Timmons and looking at some of these

other cases that do that, I think it's probably worth it. Unless you've done that already, and I've missed it.

MR. PARISI: Well, I would point out that neither in Maine, nor in Arizona, is there any designation on the ballot of a candidate as a Clean Elections candidate. It is in the materials which is given out. And in fact, when Jonathan Wayne was here, the question was asked of him. And he said, "No, we don't do that."

ASSEMBLYWOMAN GREENSTEIN: He didn't tell us why. He didn't really say that it was unconstitutional. He just said, "We don't do it."

MR. PARISI: He said that he thought, at the time it was going through, that there would have been a lot of objection to it from some of the people who were involved.

SENATOR SCHLUTER: Yes. Because -- and I think, Mr. Parisi -- I think that he said that the implication for the people who were not Clean candidates is they would be dirty candidates. And they didn't like that. But I think what Mr. Baroni has raised could be a very, very important feature. And I would like to--

ASSEMBLYMAN BARONI: Not only do I think it's an important feature, and I think it's absolutely worth looking into the legality of it-- I mean, I'm just sort of one lawyer. But I would suggest to you that two of the problems we had were lack of public information and concern about participation. Well, an incentive system that could fix both of those -- one, obviously, when I get my sample ballot, and when I see John Smith as a Clean Elections candidate, that will mean something.

ASSEMBLYWOMAN GREENSTEIN: That's a big incentive. It's a big incentive.

ASSEMBLYMAN BARONI: And then it's an incentive to the candidates to participate for two reasons: One, I want a Good Housekeeping seal of approval. I'm a Clean Elections candidate -- stamped on the ballot. But I don't want to be the candidate having to explain to people when they get their sample ballots why John Smith is a candidate who is Clean, and I'm not. Well, why aren't you? And of course, the unspoken inference, if I'm not a Clean candidate, is I am a dirty candidate. Not me, obviously -- the dirty candidate. So I would proffer to you that I am going to make a real push, as we come towards our final report, that we take a stand and say, "We should be on the ballot listing Clean Elections candidates." Because I think any candidate would run away from being -- from not having many levels of negatives. Candidates would definitely want to be a Clean candidate, because they wouldn't want to be on the ballot against a Clean candidate if they are listed on the ballot as not.

SENATOR SCHLUTER: Can we then ask OLS, and they can consult with ELEC -- we have an attorney from ELEC, we have two attorneys from ELEC here -- and ask for an opinion, under what conditions we could have this?

MR. PARISI: Okay, Mr. Chairman. We'll take care of it.

MR. DeLUCA: Mr. Chairman, along those same lines -- and we had testimony from Mr. Donnelly about a-- Well, it says here and from the transcripts, "The State agency has created a character named \$5 Bill." I'm thinking also that we might want to look into the possibility of whether we could actually trademark a character, a Clean Elections character, which

we would allow -- we would give permission for use by qualifying candidates in their literature, and also advocacy groups. But that's another way of promoting it. And it might dovetail, exactly, that this same character could be used on the ballot. I don't know, but in essence we would control that so that it becomes a standard and a trademark that people will understand.

SENATOR SCHLUTER: I think it was Arizona that has, in their advertising, \$5 Bill. And they put it -- but I don't know whether they have that copywrited and give that out, or whether-- I think that was more dealing with the program--

MR. DeLUCA: Yes.

SENATOR SCHLUTER: --and to advance that.

Assemblyman, do you think that that could be expanded a little, to get also cover--

ASSEMBLYMAN BARONI: I'm actually trying to get an answer as we speak. I certainly think, given-- Remember, the ballots in New Jersey already have designations on them in the primary.

SENATOR SCHLUTER: The primary, right.

ASSEMBLYMAN BARONI: Because I can come up with any six words I want, as long as-- I can come up with any six words that I want as long as they are not another person's name. Oh, I can do that if I have their permission, to go on the primary ballot. So we already have a mechanism where we allow candidates to self-select what will go next to their name on a primary ballot and, quite frankly, on a general election ballot for a third party candidate, if they choose something that's not their party name. So there's already some precedent that we allow some imprimatur to go on the ballot for a candidate: "regular organization

Republican,” these are “regular Democrat organizations,” or words that mean nothing in a vacuum, mean a lot on the ballot. And having tried far too many cases in my lifetime about ballot slogans, they matter a lot. I believe a Clean Elections candidate -- I believe we would be within our rights to do that. The State would be within its right to utilize the ballot. Conceivably, a Clean Elections candidate could wave that, could say they don't want that. I guess that would be the one constitutional problem. A Clean Elections candidate couldn't be forced to have that slogan on the ballot next to their name. But, like, we didn't force you to say you're a Clean Elections candidate, but I'm not sure what rational candidate would not choose to have it.

SENATOR SCHLUTER: Well, let's go forward then with this. And the interest groups are hearing this discussion. And we will ask OLS, and maybe get some help from ELEC and maybe from COGEL -- what their experience has been.

ASSEMBLYMAN BARONI: Mr. Chairman?

SENATOR SCHLUTER: And Mr. Baroni can-- Yes. Okay.

ASSEMBLYMAN BARONI: We're fine. We're good. Frank and I were just making a date for later. Go ahead. (laughter)

MR. DeLUCA: That's way too much information. (laughter)

SENATOR SCHLUTER: Very good. That's an interesting thing. (laughter)

ASSEMBLYMAN BARONI: I love that I can make Bill Schluter speechless. (laughter)

SENATOR SCHLUTER: I'm waiting for you. I'm waiting for you.

ASSEMBLYMAN BARONI: Let me tell you something. There have been people in this building for 35 years waiting to make you speechless, and I have finally done it. (laughter)

SENATOR SCHLUTER: You're too much.

Now, do others have questions? (no response)

I have a question of you, Ms. Matsen, if you just want to stick around. In your testimony before we came up with the report, you said that you would like the legislation to say that by the election of 2009 or 2011, all 40 districts should be Clean, or there should be the target date. Can you comment on that, because we've had Mr. Ma talk about how many districts, and when would be the ultimate of getting 40 districts.

MS. MATSEN: I guess my testimony was -- I had on my let's-be-reasonable-what-can-we-expect-to-get hat. And my thought was that if we got six districts in 2007, we would have enough to have a better pilot. It would still be a pilot. And I just pushed out, I believe -- and I don't have my testimony in front of me -- do you remember what I said? (laughter)

MR. DeLUCA: That's why I have the box.

MS. MATSEN: Thank you.

MR. DeLUCA: Well, you have your first point there.

MS. MATSEN: I said 2011. And you gave me credit for being smarter than I was. It was just-- That was-- Three more elections out, I thought by then we should be able to expand it enough from six to 20 to 40. So I guess not -- I will be ecstatic if we hit six districts, including the primary, next year. Yes, next year.

SENATOR SCHLUTER: I have no more questions.

Well, I thank you very much, Ms. Matsen.

And we have another person to testify, who is Marilyn Carpinteyro, New Jersey Citizen Action.

**MARILYN CARPINTEYRO:** Good evening. I think it's evening now. My name is Marilyn Carpinteyro, and I'm with New Jersey Citizen Action.

As you know, Citizen Action has been a leading proponent of public financing for, like, the last 10 years -- next year, I think it will be. And with that said, we'd like to commend the Commission, as well as OLS and ELEC, for their hard work the last couple of months. We know it's been a lot of long nights.

Early on, we submitted our recommendations, very detailed, on what we believed the Commission should put forth to the Legislature in May -- which I'm sure you all have that, I don't have it in front of me -- but a lot of the stuff that you identified in your preliminary report Citizen Action supports, primarily the primaries. We believe the primaries are very important for the program next year, and it will help fuel the expansion of the program in the future.

During the next couple months, while you are all in your executive sessions, Citizen Action, along with advocates behind me, will be meeting with our legislators talking about Clean Elections, educating them, as well as educating constituents on this. So I just wanted to let you know that's what we were going to be doing the next couple months, reaching out to them and letting them know what we believe should happen next year.

Another aspect of the preliminary report that I thought that the Commission really needs to look into is education. As Assemblyman Baroni pointed out, we do need a lot of statewide education. And we'd like for the



Commission to look into that, into ensuring that the Legislature does implement a program that -- or maybe even identify a character to let people know about Clean Elections.

I don't have any specific details or specific recommendations to make at the moment, because we already submitted them early on. But if you have any questions that I could answer-- I mean, Citizen Action does look forward to working with the Commission and the Legislature to expand the program next year.

SENATOR SCHLUTER: Thank you very much.

We'll go right down the line.

I'm sorry. Mr. Baroni?

ASSEMBLYMAN BARONI: Same question that I've asked to the other presenters. I think you sort of cleared it up -- I wanted to sort of get it for the record, for the box -- your position on a ballot designation for a Clean Elections candidate.

MS. CARPINTEYRO: We support it. We do support that candidates have a little tag that identifies that they are Clean. But then again, I know you know the legal ramifications behind somebody being identified as a dirty candidate. So that would need to be worked out.

SENATOR SCHLUTER: Incidentally, for our own discussion here -- I just think that the designation *Clean candidate* has a pejorative connotation to the other. And maybe we might have to work out some words, and maybe in talking to the legal minds that are going to give us an opinion, if you could have it -- not just a Clean candidate. "This candidate has not accepted money from private sources," or something of -- a very brief synopsis of that.

ASSEMBLYMAN BARONI: Well, I think perhaps the phraseology *Clean Elections Program participant*, something like that. If we're going to call it *Clean Elections Program*, I think a candidate should be called a *Clean Elections Program candidate*. There's a benefit. You're darn right, the candidate -- it's a pejorative. That's why we call it *Clean Elections*. If a voter draws the distinction, if a candidate -- if a candidate worries about a voter drawing the conclusion that their lack of participation indicates them to be a dirty candidate, good. That's what we want.

ASSEMBLYWOMAN GREENSTEIN: But are you saying, Mr. Chairman, that you think that the term *Clean Elections* is a pejorative also?

SENATOR SCHLUTER: I'm thinking -- with what Mr. Parisi said about, this candidate has not abided by the term limit, or something like that. And they were upheld, they could not put that on the ballot. I'm just saying, I'd like to get-- I agree that it would be great to get it on the ballot, but we've got to do something that would stand the challenge.

ASSEMBLYMAN BARONI: I think if the word *Clean* was used as an adjective on the ballot--

ASSEMBLYWOMAN GREENSTEIN: Clean candidate.

ASSEMBLYMAN BARONI: --if you said *Clean* candidate, you may have a problem. If it's used as a noun, as in *Clean Elections Program*--

ASSEMBLYWOMAN GREENSTEIN: Participant.

ASSEMBLYMAN BARONI: --participant. Then I think it is--

ASSEMBLYWOMAN GREENSTEIN: I do have to say that if people don't know about it-- Now, if they know about it, they'll key right into it when they see that. But if they don't, it could come across as a bit of

a pejorative, because you might think, what does that mean? He's healthy or-- Do you know what I mean? It's not that clear what it means.

ASSEMBLYMAN BARONI: Good-shape candidate. (laughter)

ASSEMBLYWOMAN GREENSTEIN: Does a lot of exercise. (laughter) I mean, it just -- it could have a, sort of a--

SENATOR SCHLUTER: We can learn a lot, and we will learn a lot, and we'll proceed, Assemblywoman.

Any comment that you might have with respect to the number of districts or the distribution of districts for the next go-around?

MS. CARPINTEYRO: Distribution in identifying what the districts are made up of or what we think the number, a specific number?

SENATOR SCHLUTER: And specific number, and possibly representative of more regions in the state.

MS. CARPINTEYRO: We would like to see 40 districts. I know in our testimony that we identified that we would support if there was a slow expansion of it. And we would like to see 40 districts, but we would support eight districts by 2007 and 20 by 2009. I think that's what we submitted. And 40 by 2011. As for regions, we're really not familiar with how the regional breakup was identified. I do know it was based on voter registrations, but I don't have, really, a recommendation on that.

SENATOR SCHLUTER: I have no more questions.

Keep tuned. Thank you very much.

Do we have New Jersey PIRG to come before-- Oh, here. It's already been submitted. I didn't realize.

Ms. Caplovitz.

**ABIGAIL CAPLOVITZ:** Thank you.

For starters, good evening. Thank you so much for all of your hard work so far. This, as has been said, is an excellent report, and New Jersey PIRG strongly agrees with all of the 18 findings, with the exception of No. 16, which proposes a slow and limited expansion of the program. As we've already said, we strongly urge you to go to 40 districts next. As my colleague, Mr. Ma, explained, a lot of the questions of which district do you pick and how do we set up the rules actually disappear if you just jump in both feet first. It's a kind of unilateral, mutual disarmament all at once. And it really is the way to move forward.

That said, I want to underscore something else Mr. Ma said, which is, if you're going to do another experimental stage -- and I really think we should think of this not as pilot, but as experiment -- then you need your experiment, next time around, to give you all the data that you need. You can't do a limited pilot that will be inconclusive where you come out of it saying, "Well, we've got to try another pilot again." So with that in mind, what would that experiment look like? What would be your final experiment? Well, you would want urban districts; you would want rural districts; you would want suburban districts. You would want northern, central, southern districts. You would certainly want the districts again that you had this in the first time, for continuity. But you really need to look at the map and say, "How do we know we're getting the data we need to ensure this is our last experiment, if we're serious about taking this forward?"

And along those lines, I recommend, or I second the recommendation, that this Commission end up being the people who pick the districts. Because the agenda of designing the definitive experiment is

not necessarily the same agenda of how do we manage this experiment from the perspective of our party's benefit. I mean, partisan organizations are partisan, and they should be. That's what a party is for. A party's job is to maximize their seat in the next election. It's not the party's job to figure out, "How do we design this next experiment so that we can be sure we have what we need to move forward?"

So I strongly urge, since this Commission has shown itself to be the kind of nonpartisan, policy-oriented, sincere group -- groups like ours are very eager to have and excited to have, since you've shown by this report the kind of the group that you are -- you are the people who should be making the calls going forward on this. It's just too important to have any other agenda on the table than, how do we settle this question.

Similarly, in terms of figuring out how do we get the kinds of representative districts so we make sure that all of the problems that need to be outed, get outed, we should be looking at media markets as well. So if there are two different urban districts and one of them has more major media, than that might be the one that you pick. Because public education was a problem, and the more media you can co-opt in, by starting out in their home-base markets, the better off you are.

So it would be very important for New Jersey PIRG, if we were going to support and work hard to help this go forward, to have reason to believe that the next stage really clears the way to going to 40. The details of that can be worked out. I'm sure you all will sit there and think about it. But if you have that mind-set, I think you can come up with something less than 40 that groups can find worthwhile. And that is not meant to, in any way, weaken the idea that we fully support going to 40 next. We don't

actually think you need another experiment, but we want to take away the ability of people looking at the next stage to say, “Oh, we need yet another experiment.” So if you’re going to do that, design it right.

Along those lines, I want to also underscore we fully agree with AARP that primaries are make-or-break. We cannot support Clean Elections that don’t include primaries because -- for precisely the reason, actually, that you read in the thesis. If you have -- Clean Elections is all, as you mentioned, Assemblyman Baroni, about this imprimatur of doing it the right way, to doing it in a way that the public can trust where you’re coming from. If all that Clean Elections does is bless the candidate that the party has, or that the private financiers -- the current financiers of elections have chosen, then you have achieved nothing except essentially a whitewash of the-- You’ve just covered over, put under the radar, the problem. So primaries are make-or-break. If you don’t do primaries, you haven’t addressed the problem.

And as a corollary to that, is that there’s a lot of noncompetitive -- the primary is the election in many districts. So on that basis alone, if you don’t include primaries, you’re not getting at the problem. And actually, when you consider what is our experiment for next time, you might want to consider one of those -- or a couple of those districts where, really, it’s all about the primary and just that.

So, okay, that’s in your findings. Now, turn to your issues of concern and a couple of the things that came up here today. In terms of whether or not New Jersey PIRG, since you’re going to ask me the question, will support putting a designation on a ballot, the answer is, it depends what you guys do as Clean Elections. We agree that Clean Elections -- and

should be about giving an imprimatur to those candidates. And we absolutely agree that the incentive that is created-- And so, conceptionally, we support it. But if the Clean Elections program is designed in a way that does not address the problem, then you've actually doubly compounded the problem. So we'll wait and see.

ASSEMBLYWOMAN GREENSTEIN: What's an example of that?

MS. CAPLOVITZ: Well, for example, if there weren't primaries included. Or if you had this, in the bill that was mentioned before, this idea that you could have half Clean funds and half not Clean funds. I mean, the details matter. And you guys have made a real effort to get the information that you need to figure out what the details should be. So if you get the details right, absolutely we would support giving that plus sign to people. But at this stage, I can't say.

All right. So in terms of your issues of concern, yes. We don't understand why the candidates have to run together. I have not heard a reason that makes sense to me. If somebody gives me a reason that makes sense, maybe we would choose -- come around to supporting that. But barring that, we don't understand why candidates have to run as a team.

In terms of how the amount was generated -- again, that's sort of an experimental question. Our position is, the candidate has to get a meaningful amount of money. If you can't run a race as a Clean Elections candidate, it's going to fail, even with the imprimatur incentive. So those who are more expert in the mechanics of campaigns need to make that decision.

And absolutely, just as you must include primaries in the campaign, you cannot run -- C must be that you cannot run as a Clean Elections candidate in the general if you do not in the primary. It's just too late. You're either in it or you're not.

On D, we support 1 and 3. The idea that a nonparticipating candidate gets more money or expends more money than a participating candidate -- yes, you should match funds then -- or particularly, when they expend more money. It's not so much that when they receive more money, but if the nonparticipating candidate is expending more money than the Clean candidate, there must be matching funds.

SENATOR SCHLUTER: Not matching. Excuse me? Not matching funds.

MS. CAPLOVITZ: Supplemental funds. I am sorry.

SENATOR SCHLUTER: Public subsidy.

MS. CAPLOVITZ: Are you the lawyer at this table? No, I'm sorry. The language -- no, I'm just kidding. The supplemental funds, how about that? Yes.

Number 2, you don't need supplemental funds, because whether or not your opponent is running as a Clean candidate isn't the issue. The issue is whether or not you are evenly provided for.

Number 3, just like 1, we support supplemental funds if there's independent expenditures being made on behalf of your opposing candidate that change your ability to run the campaign on an even level.

The selection of participating districts should be made as fast as possible. If this Commission is going to be doing the choosing, I guess you need a reasonable amount of time after the legislation has passed. But in



any case, I think you need it before January 1 of '07. Because if you're going to participate in the primaries and you're going to do this right, you need a lot of time. So I think, at a minimum, by January 1, '07 you need to know who's got the option to opt in where.

Let's see -- I'm trying to find any other ones we feel strongly about. I'm sorry, I forgot my copy that had the flags in it. Oh, J -- we oppose tiered systems. And actually, the number of contributions in general -- I want to speak for a second, because this is really important. Actually, the more I've learned about this process, and the more I've listened to everybody, the less convinced we are that 1,500 is a problem. I'd support lowering it -- the number of contributions. But I caution against lowering it too far.

You want a candidate who has public support. You don't want 50 million candidates coming in who aren't viable. We do strongly believe that taxpayer money will be conserved by statewide Clean Elections. That said, if you make it too easy, you get candidates who are not serious candidates entitled to public financing. So while most of the efforts to change the process are aimed at making the process easier, I think all of the nuisance things, like two different dollar amounts -- that was crazy, right? All of the paperwork, all of the how do you designate, the short time frame, the lack of education, on and on and on -- all of those were far greater barriers than 1,500. And I point out, actually, that you notice that under these onerous conditions all the people in -- what was it, the 13th or the 6th -- I always get them --

MR. DeLUCA: The 6th.

MS. CAPLOVITZ: --in the 6th qualified at 750 contributions. I suggest to you that if you solve all the nuisance problems and make it easy, you could have all kinds of people qualify at 750. And you want to be careful about that. So while it could be lower -- and I'd say 1,000 is lower -- you want to be careful about how low you go. Get rid of the silly things, the things that just get in the way. But don't abandon the principle that a candidate should demonstrate real community support. So a lot that goes into the tiered system-- Because the purpose of establishing a threshold is to ante up, to show that you've got community support. There is no upside to a tiered system, as far as I see it. If you can't raise 1,000 contributions or 750 contributions with a long time frame; public education about Clean Elections; a straightforward, simple process that makes sense on the contribution of things then you shouldn't be running for office. And we just have to be able to make that call. And again, I leave it to you guys to figure out what the number is, but I strongly encourage you not to go too low; and that there is no value in tiers.

At what point can a participating candidate begin to solicit or receive qualifying contributions? Well, as I mentioned in my written testimony before--

(monitor sounds) Oh, excuse me.

This is a little monitor thing. Good, I made it stop. Excuse me. It's the worst noise ever. It sounds like a teapot that just can't quite get it together.

MR. DeLUCA: That's what I thought.

MS. CAPLOVITZ: Yes.

MR. DeLUCA: I thought you brought your own tea.  
(laughter)

MS. CAPLOVITZ: Yes, right. Don't I wish. A hot cup would be nice now.

So the point at which a candidate can solicit or receive qualifying contributions should be November 8, or whatever the day is after the elections. You should be able to file as a Clean Elections candidate at the very beginning of the next election cycle and start collecting your contributions for the primary. I don't see why not. I don't see any upside to narrowing the window for contribution collection. Again, if somebody comes up with one, I'm happy to hear it and maybe change my mind. But I only see value in expanding the window.

The PIRGs nationally have a strong position on that \$100 should be what seed money is capped at, instead of \$200, and we'll reiterate that. We're happy with raising the amount of seed you can collect, but -- and we acknowledge that \$5 contributions are not your way to get to seed money, but we don't see why it needs to be above \$100. And that's just our organization's hard and fast position on that.

I'm not sure that I understand M, because I'm not sure what the penalty is in withdrawing from being a Clean Elections candidate. It just says, "Whether there should be a deadline by which you can withdraw without penalty." Since I don't know what the penalty is, I don't quite know what that is, really.

SENATOR SCHLUTER: It's in the present statute, that they have the right to withdraw. You're right, it presumes that they do have that

right. And maybe it will be the wisdom of the Commission not to grant that right.

MS. CAPLOVITZ: I see what you're saying. I don't know how you penalize someone unless you're trying to keep them off the ballot, or something. I don't think you can rig the system that way. The penalty, to the extent there is one, is that they lose the designation -- do you know? Whether the designation is on the ballot or the designation in the materials, you don't-- If you qualified to run for election--

SENATOR SCHLUTER: This is why this is an issue of concern, not a finding.

MS. CAPLOVITZ: Right. Okay.

SENATOR SCHLUTER: And this is an area that we're going to have to get into, because I think it was put in the original bill -- and you were a sponsor, Assemblywoman -- to perhaps counter an infusion of tons of money at the end, when somebody might just be handicapped, and what can they do other than to get out from being a Clean candidate and go for private money. And we're going to have to examine that.

MS. CAPLOVITZ: Right. But again, that's not a matter of penalizing the person who withdraws. That's a matter of providing matching funds to the other person, or otherwise dealing with the infusion of cash. But that's okay. I don't mean to quibble on the language. I didn't quite understand it.

SENATOR SCHLUTER: If you provide matching funds, you might have to, as in Atlantic County, you might have had to provide a couple of million dollars of matching funds. And maybe the public and the Legislature might not be willing to fund it to that extent.

MS. CAPLOVITZ: Well, then, what can I say?

ASSEMBLYMAN BARONI: I want to jump in on that, because I actually do believe that given your exact hypothetical, had that occurred in an environment where Kirk Conover-- Assume for the sake of argument he was a Clean Elections candidate -- was on the ballot as a Clean Elections candidate -- and that were to have occurred, and his opponents were-- It's interesting, because if his opponents were also on the ballot as a Clean Elections candidate and then that were to occur, what would happen?

SENATOR SCHLUTER: Again, this is something for us to figure out what provisions should be allowed for withdrawal or deletion.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman?

SENATOR SCHLUTER: Yes.

ASSEMBLYWOMAN GREENSTEIN: In terms of the seed money, the reason that I think the number should be higher is that one of the methods that I think -- and tell me if everybody else heard the same thing I did -- that one of the methods that we identified that people were using to raise the money -- they tried door to door, and they tried coffees. And they weren't able to get enough that way. And then they did mailings, and that was one of the successful ways. And I believe you need enough seed money to be able to do mailings that are a realistic number in that community.

MS. CAPLOVITZ: I agree. I'm not suggesting that the total amount of seed money be a particular number, because I think the seed money needs to be a meaningful number.

SENATOR SCHLUTER: Before you go, Bill--

Excuse me.

Assemblyman Baroni has to go.

MS. CAPLOVITZ: Do you have any questions?

SENATOR SCHLUTER: I wanted to get your consent. I think another one of the issues that PIRG has raised is when you start. And I think we should get from our staff, maybe from the Attorney Generals, exactly when petitions are ready to be used, when districts are known. In other words, it has been suggested by The League of Women Voters that when a petition is dropped and filed, that's when you start collecting for funds. And I think if we can get that calendar done for our staff, for the Commission members, it would be helpful.

And when -- ELEC could let us know when the election cycle begins. But basically--

ASSEMBLYMAN BARONI: That would be worth finding out.

SENATOR SCHLUTER: Yes. I don't know what it is.

ASSEMBLYMAN BARONI: When the petitions are available?

SENATOR SCHLUTER: When petitions are available. I think the law might say--

ASSEMBLYWOMAN GREENSTEIN: That might have to change to make it available earlier.

SENATOR SCHLUTER: Yes. Yes, it might. After the first of the year, the Attorney General shall say, "These are the districts and you may now--" And the law might say that, and we should know it. Okay.

ASSEMBLYMAN BARONI: Thank you.

And again, I'm sorry for leaving before--

MS. CAPLOVITZ: No, please. It's all right.

SENATOR SCHLUTER: I'm sorry to interrupt you.

ASSEMBLYWOMAN GREENSTEIN: I think I was in the middle of asking you about the seed money.

MS. CAPLOVITZ: Yes. No, I think that the amount of seed money the candidate can have needs to be meaningful. You need the seed money you need to do the job right. I have no opinion on what that dollar amount is. What we have an opinion on is how you get to that dollar amount. And at the moment, you're allowed to get to that dollar amount in \$200 increments. The PIRGs just nationally have the stance that \$100 increments are enough.

ASSEMBLYWOMAN GREENSTEIN: Oh, just increments? I see.

MS. CAPLOVITZ: And that's how you collect it.

ASSEMBLYWOMAN GREENSTEIN: I thought you meant as a limit.

MS. CAPLOVITZ: No. You guys need to figure out what that number needs to be, and the seed money should make sense -- what that dollar amount is. And I don't know for New Jersey what that dollar amount is.

ASSEMBLYWOMAN GREENSTEIN: That makes more sense. Thanks.

MS. CAPLOVITZ: Yes.

Other than that, I think -- and that's pretty much our take on your issues of concern. And again, we thank the Commission so much for its hard work. And if you have any questions, I'm happy to address them.

SENATOR SCHLUTER: Let me ask staff -- it would be good to be able to analyze what Ms. Caplovitz has said. Do you have enough

notes now that you could give us her points, or should we ask her to give us a list?

MS. WINTERS: Mr. Chairman, fortunately this meeting is being recorded on the Internet, so we do have it available as soon as the meeting is over, her testimony.

MS. CAPLOVITZ: And I want to make clear, actually, a comment I said about November 8 or 9. I don't actually know what date it is the cycle begins. The point is -- I'm just trying to make a point about the principle.

SENATOR SCHLUTER: I understand.

MS. CAPLOVITZ: Yes.

SENATOR SCHLUTER: But it would be -- because you've made so many things, it would be good to bring them up in our discussion, however we do it.

MS. CAPLOVITZ: Thank you.

SENATOR SCHLUTER: Questions of Ms. Caplovitz?

MR. DeLUCA: Thank you, Mr. Chairman.

I want to go back to your testimony. I guess this was -- it doesn't have a date on it, and you raised it again tonight, that candidates should run separately. Because I'm struggling with -- you have two Assembly candidates. And then if you throw the wrinkle in of a Senate candidate -- and let's say this is the general and not the primary. You have two candidates, say you and I are running on the Progressive Party. And I run Clean and you don't. What's to stop you from doing campaign activity that benefits me as a Clean -- you know, "Vote the Progressive Party on November 10." Actually, that's too late -- November 3.



MS. CAPLOVITZ: Well, it's a very interesting question. I think you could get at it in the details of the rules. You could figure out what the boundaries are if one candidate was participating and one was not, which would create incentives, perhaps, for both to run Clean. But what I'm concerned about, in this idea that you must run as a team, is the idea that -- of, well, party outsiders, frankly. If you've got someone running who isn't a part of the party establishment, or doesn't have the kinds of relationships, or for whatever reason doesn't want to be associated in particular with that other candidate, their fate is bound up with them, period, by statute. So while I agree that there are these issues that -- you're absolutely right -- how do you prevent the nonparticipating candidate's resources from spilling over to the same party's participating candidate? That's a tricky question. And you'd have to figure out how to draw the lines. You might have to say you can't show up at the same-- You can't participate in their events. You can't use their name. How far can you draw-- You could probably not say-- You can't forbid, "Vote Progressive." Like I'm sure I could not tell the--

MR. DeLUCA: Right, right.

MS. CAPLOVITZ: --like you could not-- I could say, don't use my name in your ads. But I'm sure that I could encourage for party line votes. That's tricky. But at the same time, what if I really want to participate and you don't? What if the only way I'm going to go into it is by participating? And because you don't want to do it, you are stopping me. And what if you don't want to do it because the old system works for you because you're part of the system? It just seems to me that there is a real issue with linking the candidates, just like there's a real issue with not

linking them. It's a challenging problem, and I don't have a magic solution for you on it. There is something there to really look at and think about. And again, you guys are the experts at running elections and participating in elections. You've done it. And you guys know a lot more about the party dynamics and mechanics and all the rest of it. So I'm just trying to flag the issue for you.

SENATOR SCHLUTER: You have done a good job of that.  
(laughter)

MS. CAPLOVITZ: Thank you. And I have faith in your ability to reason it through. If I come up with a good magic bullet for you, I'll promptly offer it.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman?  
What did you mean when you said that -- if I heard you correctly -- that something happens by statute? That they run as teams by statute?

MS. CAPLOVITZ: Well, there was the requirement that they--

SENATOR SCHLUTER: Yes.

MR. DeLUCA: Yes.

MS. CAPLOVITZ: Yes, that their--

ASSEMBLYWOMAN GREENSTEIN: How? I'm not--

SENATOR SCHLUTER: The -- explain that? Go ahead, Mr. Parisi, you can explain that.

MR. PARISI: The original legislation that provided for Clean Elections said that two candidates had to run together--

ASSEMBLYWOMAN GREENSTEIN: Oh, you mean our--  
Oh, I see what you mean.

MR. DeLUCA: Yes.

MR. PARISI: -- in order for one--

ASSEMBLYWOMAN GREENSTEIN: I thought you meant that generally--

MR. PARISI: The three of you would want to be a Clean Elections candidate.

ASSEMBLYWOMAN GREENSTEIN: That was set up-- I mean, that is traditionally how it's been done. But you realize there's no statute that says -- it's the parties that do it.

MS. CAPLOVITZ: No, but there was a statute--

ASSEMBLYWOMAN GREENSTEIN: Our Clean Elections statute--

MS. CAPLOVITZ: Right. That's what I'm saying.

ASSEMBLYWOMAN GREENSTEIN: --went by the way it's been done in practice. And they just had people running as teams. Because it was a pilot, and they wanted to just set it up that way, because that's how it's been done. But it's all very strange. There are some districts -- particularly the ones where they don't have to run much of a race -- there are some districts where people don't do much of an election, or just one does some things. And there are some where people are not really exactly running as a team. There's mail that goes out under one candidate's name. It's all different.

MS. CAPLOVITZ: Yes. My concern is simply that if I want to run as a Clean candidate--

ASSEMBLYWOMAN GREENSTEIN: I know what you're saying, and it makes sense.

MS. CAPLOVITZ: --I want the ability to decide that regardless of what these other persons on the ticket does.

ASSEMBLYWOMAN GREENSTEIN: Right. If this is going to really expand and we don't just think pilot anymore, we have to think in terms of giving people the opportunity to do it, even if the partner doesn't want to do it.

MS. CAPLOVITZ: Right. But then this raises complicated problems.

ASSEMBLYWOMAN GREENSTEIN: But Vic, what you said is a potential problem.

MR. DeLUCA: Yes.

MS. CAPLOVITZ: And so it's a very interesting, tricky situation.

SENATOR SCHLUTER: You have raised some good issues. I would ask other interest groups to, perhaps, have a one-page brief on this issue if you want. If you have -- but talk about it. Because this is going to be a-- And that's why it's an issue of concern.

Did you have something more to say?

MR. DeLUCA: No.

SENATOR SCHLUTER: But I would like to say, thrown into this mix, is the fact that I almost think that in a primary you could not run as a team.

MS. CAPLOVITZ: Well, sure. Because in a primary it's competitive.

ASSEMBLYWOMAN GREENSTEIN: Right.

MR. DeLUCA: Right.

SENATOR SCHLUTER: It's competitive. Right?

MR. DeLUCA: Right. Yes.

ASSEMBLYWOMAN GREENSTEIN: Right.

MS. CAPLOVITZ: Right.

SENATOR SCHLUTER: Okay. So in a primary, you don't run as a team?

ASSEMBLYWOMAN GREENSTEIN: Right.

MR. DeLUCA: Yes.

SENATOR SCHLUTER: And three people are running for two positions to run for Assembly. And two of the three like each other, but one gets knocked out by the one who doesn't like each other. And what do you mean? Do you mean you're going to force the primary winner who was the maverick to go in line with the one who is the traditional candidate? And that has a dynamic there which is--

MS. CAPLOVITZ: It's just tricky, yes.

ASSEMBLYWOMAN GREENSTEIN: The way it's done up to now, as you know, is that in some sense the people get the party okay, and then the party says, "Run as a team." That's how it's been happening.

SENATOR SCHLUTER: But if you get Machiavellian in this situation, you could -- the party would say, "Hey, we got a maverick with us, so let's--" Our party candidate, let's say that person doesn't get the number of qualifying contributions, so therefore neither of them qualify. So we can freeze that other person out by just contributing to our candidate, and then that will show that person, and that will show the other people, that they shouldn't mess with us.

MR. DeLUCA: Mr. Chairman, I actually think it's a little more than a hypothetical. I think there were some undertones in the 13th District of what you had laid out. That different people running in the primary, and they ended up on the Republican side -- winning. Different people won there, and I think I was surprised by some of the testimony -- that each candidate had their own accounts; that there seemed to be little coordination in the general election. And so that--

And I'll just give you my own recent political history. When I ran in the primary in my town, I came out on top. There were two seats. There were three of us running. I came out on top and had to run in the general election. I didn't have to, but I did run in the general election with the person who I beat in the primary, which was very awkward.

MS. CAPLOVITZ: Right.

MR. DeLUCA: So I'm sensitive to what you're saying, that you run as an individual, because it does create some confusion, even in the minds of the voters.

MS. CAPLOVITZ: And I guess really, just to be clear is, from a Clean Elections standpoint, the thing I'm concerned about is less the awkwardness and less the just general dynamics of team versus individual. I just don't want my ability as a Clean candidate to be compromised by the other person's decision making. It just shouldn't be up to somebody else whether or not a candidate gets to run Clean. And so how do you give both candidates the power to independently choose to run Clean without creating -- because I can see, to be Machiavellian, as was said a second ago, people sitting there going, "Oh, all right. You run Clean. I'll run traditionally, because I don't mind. I can take the heat. I don't need that

Clean thing. I'm established. I'll get it through, and I'll just spend my resources in a way that provides you enough cover that we both get elected and, hey, ain't that great." And that's a real problem, because that also undermines the system, which is why that's an argument for making both go Clean.

But it's tricky, for this very reason of who really has the power to decide. So I urge you to put your thinking caps on. I'm not one--

ASSEMBLYWOMAN GREENSTEIN: Well, I think what always complicates this is the fact that it's ultimately voluntary, and it leads to so many permutations where you can have somebody undermining somebody else, either the same party or the other party.

SENATOR SCHLUTER: Incidentally, isn't it true that in Maine and in Arizona you don't have the buddy system in the Assembly?

MR. DeLUCA: Right. They run individually.

SENATOR SCHLUTER: They have an individual district.

MR. DeLUCA: Yes.

ASSEMBLYWOMAN GREENSTEIN: Do they have two legislators per district?

MR. DeLUCA: No. One per district, so that's different.

ASSEMBLYWOMAN GREENSTEIN: They have one per district.

SENATOR SCHLUTER: So they don't have that problem.

ASSEMBLYWOMAN GREENSTEIN: Right.

MS. CAPLOVITZ: But I mean, at the end of the day, we would come down on the side of running the risk of that charade I just described--

MR. DeLUCA: Right, right.

MS. CAPLOVITZ: --of one person using their extra resources to provide cover, and just count on the media and the public to be smart enough to know, rather than to tie the fate of both candidates together. I mean, we do come out on that side of it. But to the extent that you can minimize that problem through careful legislation crafting or regulations by ELEC, that's better. But at the end of the day, we'd rather take that problem than the problem of bound fates.

MR. DeLUCA: By the way, Mr. Chairman, I don't think we're supposed to use the word *Machiavellian* in the State House, particularly with the Trooper here. (laughter) This is a new day, you know. (laughter)

ASSEMBLYWOMAN GREENSTEIN: I like the word Machiavellian. (laughter)

MS. CAPLOVITZ: We can be political realists. How's that?

SENATOR SCHLUTER: Further comment? (no response)

I would like to, on parting, thank you very much. You've given us some very insightful commentary.

MS. CAPLOVITZ: My pleasure. Thank you.

SENATOR SCHLUTER: It seems to me that for this program to work for 2007 that legislation has to be passed by June 30 of this year -- to get everything in place and to get people geared up and into the system. This can't be put off till the Fall, or post-election kind of thing, and then do it, in my opinion. So we're going to be short on time. If we come out with our report and a model bill, May 6, I'm just saying it's going to be a heavy lift to get it through, because it's going to have some strong positions in it. And we're going to be counting on these groups out here to help us get it



through. We know that we have to meet some of your standards. So that's going to be a challenge.

MS. CAPLOVITZ: I think passing meaningful Clean Elections reforms through the Legislature, particularly not going all 40 districts at once, will be a tremendous challenge. And we strongly applaud the effort so far, and we appreciate the receptive hearing that we get. And we'll do what we can to help out with meaningful reform. It's just, again, the idea of less than 40, you just run this problem of how do you choose who has to disarm, and it's really tricky. And I think a major step in the right direction on that is making the district drawing the purview of the Commission, as opposed to the party leaders. But no matter what you do, it's going to be a very heavy lift. I mean, challenging an order always is.

SENATOR SCHLUTER: Well, thank you very much.

MS. CAPLOVITZ: Thank you.

SENATOR SCHLUTER: Now, I should have said this at the beginning -- that everybody has complimented the report. And I think the staff did an excellent job -- Mr. Parisi and Ms. Winters did an excellent job in the report. And if you look at the backup analysis for each of our findings, it was absolutely superb. So that is a very, very good start. And we commend the staff.

The comment was made, early on, that after we had the initial report we might have to make a series of visits to editorial boards, but I don't know that we really need to do that.

MR. DeLUCA: I don't think so, Mr. Chairman.

ASSEMBLYWOMAN GREENSTEIN: They've done a lot here.

MR. DeLUCA: I was just looking through these. These are all in our favor.

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. DeLUCA: I think they're waiting for us to do our job and--

SENATOR SCHLUTER: The only one we haven't heard from is the *Bergen Record*.

MR. DeLUCA: Right.

SENATOR SCHLUTER: Maybe we might reach out to them.

ASSEMBLYWOMAN GREENSTEIN: I think it was Jim Hooker that was asking all the difficult questions during the hearing. But then when he put it on TV that night--

MR. DeLUCA: Right. Yes.

ASSEMBLYWOMAN GREENSTEIN: --it was the same -- just as these articles, I would say.

MR. DeLUCA: He just was crabby that day. (laughter)

SENATOR SCHLUTER: Anything more? Staff? (no response)

Thank you all for coming, and we stand adjourned.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

MR. DeLUCA: Thank you, Mr. Chairman.

SENATOR SCHLUTER: Curtis Tao?

MR. TAO: Still here.

SENATOR SCHLUTER: I'm sorry. Do you have anything to add? Any words of wisdom?

MR. TAO: No. I thought the testimony was very helpful.

Thank you.

SENATOR SCHLUTER: Well, thank you very much for listening in, and it's always good to have you.

MR. TAO: Okay. Well, drive home safe everyone.

SENATOR SCHLUTER: Okay.

MR. DeLUCA: Thank you.

MR. TAO: Bye-bye.

ASSEMBLYWOMAN GREENSTEIN: Great report, great job.

MR. PARISI: Thank you. Product of many hands. A lot of hard work on everybody's part.

**(MEETING CONCLUDED)**