
Commission Meeting

of

NEW JERSEY CITIZENS' CLEAN ELECTIONS COMMISSION

"The Commission will discuss the districts selected by the State political party chairs to participate in the pilot project and intended participation by the candidates therein; discuss the adoption of regulations for the pilot project by the Election Law Enforcement Commission; receive presentations by invited guests; and consider such other matters as the Commissioners deem important"

LOCATION: Brookdale Community College
Lincroft, New Jersey

DATE: August 18, 2005
7:00 p.m.

MEMBERS OF COMMISSION PRESENT:

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

ALSO PRESENT:

Gina Marie Winters
Acting Commission Secretary



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

TABLE OF CONTENTS

	<u>Page</u>
Phyllis Salowe-Kaye Executive Director New Jersey Citizen Action	11
Gregory Orr Candidate District 13	19
David Donnelly National Campaign Director Public Campaign	28
Marilyn Askin President American Association of Retired Persons, New Jersey	41
Michael Dasaro Candidate District 13	46
Amy Handlin Candidate District 13	53
Mike Hall Candidate District 13	70
Assemblyman Samuel D. Thompson District 13	76
Bill Flynn Candidate District 13	91
Linda Seiler Private Citizen	95

TABLE OF CONTENTS (continued)

	<u>Page</u>
APPENDIX:	
Testimony plus attachments submitted by Phyllis Salowe-Kaye	1x
Statement submitted by David Donnelly	21x
rs: 1-106	

SENATOR WILLIAM E. SCHLUTER (Chair): Let's get started if you will, please.

Turn off all cell phones.

Good evening, ladies and gentlemen. Sorry that we're starting a little bit late, but I guess that's necessary to get as many people here as we want to get here. We do not have a quorum of Commissioners, so we will not conduct business. But we will get into some of the preliminaries and get them dispensed with early on.

We welcome everybody here. The Commission welcomes everybody here: candidates, people who are familiar with this legislation, and the public.

I did get a telephone call today from the Senator of this district, Senator Kyrillos, who apologized that he can't come here, but he wishes us well. And he said to keep him advised of the program. And I know he will follow it very, very closely.

So we will not call the roll yet, and we will not have our minutes reviewed. But right now I would like our staff chief, at this time, who is Gina Winters, to give an overview of the program in a brief fashion. Most of you know this, but I think it's good to get an overview so that we're all operating on the same wave length.

Gina.

MS. WINTERS (Acting Commission Secretary): Thank you, Senator.

The New Jersey Fair and Clean Elections pilot program was established by law. It's a temporary program for the public financing of

candidates in the 6th and 13th Legislative Districts. The districts were selected by State party chairs from a group of districts described in the law.

Candidates to participate -- and in this district it's Mike Hall and Greg Orr, William Flynn and Mike Dasaro, Amy Handlin and Assemblyman Thompson -- initially raise seed money in donations of \$200 apiece, up to a total of \$3,000 per candidate.

The seed money is then used by candidates to raise qualifying contributions. A candidate must raise 1,000 \$5 contributions and 500 contributions of \$30 to qualify, for a total of 1,500 contributions each. A candidate who achieves this becomes a certified Clean Elections candidate.

Certified candidates are eligible for public funding, which is in the amount of 75 percent of the average spent in the district, not more than \$100,000. In this district, it's \$59,175. Candidates can also get additional funding if their opponents are not clean candidates or if independent groups run ads against them or for their opponents.

This Commission was created to review the Pilot Project and make recommendations for the future.

SENATOR SCHLUTER: Thank you very much, Gina.

And we have other staff people -- Danielle, who is back here, who is going to be able to give us any legal advice that we need, or legal comment during the course of the evening. And we are transcribing this meeting. We will have a transcript, which we put online, do we not, when it is--

MS. WINTERS: Yes.

SENATOR SCHLUTER: --completed, for everybody to view.

Now, one omission, Gina, respectfully, is that there are independent candidates. There are nonparty candidates. There are-- I shouldn't say nonparty. There are Green candidates here, Mr. Hall and Mr. Orr. And they have submitted their names as wanting to testify.

And I think maybe if you could amend your comments and tell the public what they are entitled to if they meet the threshold, in terms of public moneys.

MS. WINTERS: Candidates who are candidates by virtue of being direct nomination by petition -- in other words, candidates who did not win a primary, but are directly nominated -- can achieve 50 percent of the funding for the district, not the 75 percent. So it's a little bit different.

SENATOR SCHLUTER: Is it 50 percent of the funding, or is it 50 percent of what the other candidates--

MS. WINTERS: Fifty percent of what the other candidates receive.

SENATOR SCHLUTER: So it's really 37.5 percent of the--

MS. WINTERS: Math was never my strong suit, Senator.
(laughter)

SENATOR SCHLUTER: --of the amount.

So I think we're basically settled on the parameters and some of the ground rules of this program.

With respect to my own comments, our responsibility as a Commission is to monitor, evaluate, and then recommend possible changes, or even the status quo of the program. This is a work in progress. And it is, as Gina described, a pilot project for public financing of elections. There

are two districts in the state, District 13, which is this district, and District 6, which is down in the Cherry Hill -- that's northern Camden area.

And the part of the process is the collecting of the contributions to qualify. And your deadline for getting those contributions in is September 7. And then, of course, the campaign will continue, depending on who qualifies and what the eventual structure is. And the campaign will then proceed for September and October. And we will be very interested in knowing what this limitation on money does to the type of campaigns that are run, what it does to public involvement, and what it does to the turnout in vote. And this, of course, is very, very important for our evaluation.

Now, the law says that as far as our Commission is concerned, we have very, very few responsibilities. And one of the specific responsibilities is, after the election on November 8, we must meet three times in different parts of the state and take testimony as to how successful or unsuccessful the program is, and then make recommendations. And we have to make preliminary recommendations in 90 days after the election. And our final report must be in 120 days, which goes to the Governor and the Legislature to see what they want to do, as far as continuing the program.

Now, the program, according to the legislation, does anticipate going on in 2007. And the program does specify that there would be four districts, and they would include Senators and Assembly members. But this is to be determined, because it very well might be that there will be additional legislation resulting from comments, which will change things. And it might be more or less, and trying things in different ways.

During the discussion this evening, we insist that candidates who come and make their presentation-- We're glad they're here. We want them to speak, but we don't want any campaigning or any kind of partisan commentary, because that's not what this is about. We want to learn about this program.

We will not-- If you make statements, or you ask for comments, the Commission will not really respond, "Oh, we're going to do this, or we're going to do that," because we haven't made up our minds. So don't expect to get any hard and fast comments from the Commissioners as to say, "We like this, and we're going to continue with this; or we want to change this, or we want to fine-tune this," because that's not what we want to do. And I've asked the Commissioners -- and I think they all agree -- that they don't want to become imbedded in certain ideas and certain things that they might want to do.

So when you do make your presentations-- We have some public interest groups. Keep them brief, keep them tight, keep them on subject. Do not repeat. You will get questions from the Commission.

We now have five members of the Commission, so we can proceed on that.

I do commend the candidates, from the stories that I've read, that they are participating in this in a very wholesome and enthusiastic way. They are very supportive of the principle of clean elections. And goodness knows we want to get the public involved. We want to get more people to turn out and vote. We want to be sure that the public has confidence in their elected officials. They don't want to believe that money is the

determinant of public policy in Trenton. They want that out of the picture. And this is the purpose of the legislation, the purpose of our being.

And I also do want to commend the press. The *Asbury Park Press* has done an outstanding job in writing about this and keeping people informed, and editorializing, and giving a lot of comment.

So with that, before we take our-- Well, let's call the roll now, if you will, because we have a quorum.

MS. WINTERS: Senator Bucco. (no response)

Senator Scutari. (no response)

Assemblyman Baroni.

ASSEMBLYMAN BARONI: Yes.

MS. WINTERS: Assemblywoman Greenstein. (no response)

Victor DeLuca.

MR. DeLUCA: Here.

MS. WINTERS: Steven Lenox.

MR. LENOX: Here.

MS. WINTERS: Carol Murphy.

ASSEMBLYWOMAN MURPHY: Yes.

MS. WINTERS: Senator Schluter.

SENATOR SCHLUTER: Here.

MS. WINTERS: Curtis Tao.

MR. TAO: Here.

MS. WINTERS: You have a quorum.

SENATOR SCHLUTER: Thank you.

I want to advise everybody that even though she called me Senator, I'm not a Senator. I'm a former Senator.

To digress a second, the minister of my church was talking to a group the other day, and he said-- He referred to the individual who was the late Senator. He was referring to me. (laughter) And I said, "I hope you change that after this to be the former Senator."

ASSEMBLYMAN BARONI: The last person you want to do that is a minister.

ASSEMBLYWOMAN MURPHY: You can tell him, "It's only on occasions I'm late."

SENATOR SCHLUTER: So with that, I would like to ask Mr. DeLuca--

Have you resolved that little issue we had on the minutes? And are you prepared to make changes or not?

MR. DeLUCA: I looked at the-- Mr. Chairman, I looked at the transcript, and it seems that the minutes reflect what the transcript reflects.

Basically, what I was talking -- what the minutes picked up was my concern about some suggestion of changing -- of making a recommendation at this point that this needs to be looked at by ELEC. And my point was that we ought to let the process run before we make any assumptions on changes that we would recommend to ELEC. And I think that's what the transcript reflects. And although I think the wording here might have been better, I think the minutes are fine.

SENATOR SCHLUTER: Well, I would then assert, Mr. DeLuca, that's not what the minutes say. And if we can leave it up to staff to reflect what you've currently said, and then make that adjustment in the minutes. Okay?

MR. DeLUCA: That's fine.

SENATOR SCHLUTER: Because this is-- For members of the Commission, this is on Page 2 of the minutes. The bottom-- The last paragraph, it says, "Chairman Schluter suggested the latter situation needs to be addressed in subsequent legislation. Mr. DeLuca disagreed, noting that the project was established to gauge support through contributions, not generate greater spending." And that just doesn't make sense. So if you leave it-- If we agree, we can leave it up to staff to make that modification.

MR. DeLUCA: That's fine.

SENATOR SCHLUTER: Because I don't think you disagreed with the statement that I had.

MR. DeLUCA: Well, no, I think I do disagree with you. That was the whole point. If you looked at the transcript on Pages 34 and 35, you talked -- because Assemblyman Baroni was talking about this too -- and you talk about this whole notion of, what happens if someone can't make the threshold? And you talk about recommending this as a concern to ELEC. And what I'm saying is that we should not change the very nature of what we're trying to do at this point. We ought to let the process run. And I think that's what this reflects.

But, okay.

SENATOR SCHLUTER: I agree with you totally, and I don't read that in my statement. But I think if we leave it up to staff to--

MR. DeLUCA: That's fine.

SENATOR SCHLUTER: Do we have a motion to--

ASSEMBLYMAN BARONI: Move the minutes.

MR. TAO: Move to approve the minutes as amended.

ASSEMBLYMAN BARONI: Second.

SENATOR SCHLUTER: All in favor?

Call the roll, if you will.

Do we need a roll vote?

MS. WINTERS: It's up to you.

SENATOR SCHLUTER: Voice vote.

All in favor? (affirmative responses)

Opposed?

ASSEMBLYWOMAN MURPHY: I will abstain, if you please, since I was not here and don't have the transcript to compare. I didn't know what page the conflict was about. So I am not prepared to say anything.

SENATOR SCHLUTER: All right. If you can--

We still have five people who say yes. That was on the meeting of the 20th.

With that done, I would like to--

We don't have any more official business, do we, Gina?

MS. WINTERS: No.

SENATOR SCHLUTER: And I'd like to get comments from members of the Commission, starting with Mr. DeLuca at this end.

If you would like to comment, and go right down the line.

MR. DeLUCA: No, in the interest of time, I'd like to hear what the public has to say.

ASSEMBLYMAN BARONI: I would concur with that.

SENATOR SCHLUTER: Mr. Lenox.

MR. LENOX: I'd really like to hear from the candidates and the public.

ASSEMBLYWOMAN MURPHY: I'd like to make a short statement.

I do hope that this evening, as opposed to Monday evening, we have more than just the candidates and the lobbying groups present. I do hope we have some-- We had one citizen last time. We had press, lobbying, self-interests, and the candidates and their staff. I do hope that some of you tonight are people who are interested in the process in your town, and interested in the process in this state. And if you are one of those people, I'd love it if you would so identify yourself, because I have a feeling it's probably difficult to gauge without you saying so.

Are any of you just public who are here, because you're interested in what's happening? (affirmative responses) Thank you.

I think, Frank, you have to own your wife. (laughter) I really think you can't disassociate her tonight. I really think you can't.

But thank you. I'm glad that a couple of you have come because you've heard about it and you're interested in what happens. I think that's very, very important, particularly to us.

So thank you very much for that.

SENATOR SCHLUTER: We are going to change our--

I'm sorry, Mr. Tao.

MR. TAO: No statement, Mr. Chairman.

SENATOR SCHLUTER: We're going to change the order, and I hope this is okay with the candidates -- and that they don't have conflicting schedules this evening.

But we'd like to get some early comments from some of the people who have followed this issue from the beginning. And, again, keep

the comments brief, and keep them tight, and on subject. And let's go right down the list.

First person we have listed is Phyllis Salowe-Kaye. If she could come forward. That's New Jersey Citizen Action.

PHYLLIS SALOWE - KAYE: Good evening.

I'm Phyllis Salowe-Kaye, and I'm the Executive Director of New Jersey Citizen Action, which is the state's largest consumer watchdog organization.

I want to make sure that all the members of the Commission have the blue folder that we gave out.

You don't have one?

ASSEMBLYWOMAN MURPHY: I haven't looked in this packet. There's a couple of them here.

MS. SALOWE-KAYE: Okay.

I just want to begin by saying that-- First, thank the Chairman and members of the Commission for actually doing these hearings. We think that the hearings are very important. They should be done in more places. For the last eight years, we've been pushing the concept of clean elections, and we are thrilled that we are finally having the opportunity to do this pilot program and to see how it works.

We also know that there are going to be problems. That's why it's a pilot. And we hope that what happens is that we move forward, as the Chairman said; that we identify the problems; that we fix the problems after the success, hopefully, of having the candidates be able to do what they need to do.

And what I thought I would do tonight is to talk a little bit about what we're going to be doing. We see our role-- Citizen Action sees our role as being an entity to educate the public in this district about the program and to make them become aware of it. We are not going to be doing any endorsements of candidates in this district. Everything that we do is going to be available to the public. We have a Web site. And in your folder -- and I'll tell the public -- is a copy of our Web site. Any of the materials that we've been giving, any of the suggestions, any of the help, is all available on our Web site -- available to the public, available to all the candidates that are out there.

So we feel that our role is to educate the public, and to make sure that all the candidates qualify, and that we really can do this election in a clean way in this district, and move forward.

So towards that, we've prepared a bunch of materials that can be amended for the candidates. The public can get them. We have a Clean Elections brochure, which you have in your booklet, which describes the program. We have a one-page fact sheet on Clean Elections. We have a guide for volunteers who want to get involved -- those people that you were talking about, the average citizen who cares about this in the district. We want to be able to have them know how they can get involved -- legally involved.

We'll be providing door knockers, that people can take out, that can be put on peoples' doors informing them of what Clean Elections are, telling them how they can make a candidate; palm cards, all that kind of information that is nonpartisan and available to the public.

As far as Citizen Action, we have thousands of members in this district, as we do in the 6th District. We will be communicating with those members in the district by mail. We will be doing automated phone calls and patch-through phone calls telling them how they can donate, reminding them that they should donate. We will be setting up site distribution. We'll be setting up at sites -- supermarkets, malls, movie theatres -- and distributing information. We will also be setting up meetings with organizations. And all of those organizational meetings will be posted on the Web site. There are 13 meetings scheduled in the 6th District already -- at nutrition sites, civic associations, tenant organizations, fairs -- where we have appointments. The public can attend those presentations. You can go to our Web site, check and see where there's a presentation. The candidates can attend them. Anybody can attend them. And we will continue to have our community education staff scheduling these presentations.

We have volunteers. We have something called *legislative district committees* in both districts where we have volunteers who have been working with us for years on issues. They will be agreeing to host house parties to get information out to their folks.

Citizen Action is a coalition of 120 organization -- labor, senior, community organizations. It is our hope that our organizations will be notifying their members about this. We'll be having volunteer phone banks that will be phoning into areas. We're going to concentrate on tenant associations in apartment buildings -- especially in this district, in Old Bridge and some of the other towns, there are large groups of tenants.

We're going to be concentrating on working through the tenant leaders and doing phone banking into those.

And our full-time, professional, door-to-door canvass-- We'll be knocking on doors six nights a week in this district, bringing people information about Clean Elections. So our door-to-door canvass will be mobilized.

We are offering assistance to both parties, Democrats and the Republicans, to work to train their staff, to train their volunteers, to train if they have people who want to go door-to-door. We will help them, teach them. Our professional canvassers will come in. They'll role play, they'll teach them how to go door-to-door and do what they have to do.

The candidates-- What can they do? Well, I think what we-- And I say this with deep respect -- and that is, don't whine, mobilize. We really have to go back to the grassroots. There are problems. It's hard, but it's not that hard.

I just want to give some statistics. We have a staff of eight that-- And I have, for the week of July -- last three weeks of July, first week -- the week of August 8, we had seven staff people. They knocked on 1,872 doors. They made, in that district -- in that -- those nights, in that week, 904 contacts for Citizen Action. They got 228 contributions, and the average contribution -- this was for Citizen Action, to support the work that we do on Social Security. The average contribution to Citizen Action was \$20.31.

So we are professionals at getting people to contribute money. We're not going to be getting people to contribute money to either candidate in this election, but we're willing to work with the parties to

teach their folks how to do it. People are home. I give you these statistics so that you know I know that-- There's been some discussion that people are on vacation, nobody's home, we can't reach them. They're home, they're reaching them, they're doing work with our organization and some of the other professional canvasses in New Jersey. So it can be done.

We need the press to help us. How can they help us? And I think the Chairman was correct. They have been helping us, printing the form in the press. And keeping printing is really important. Writing the editorials; printing op-ed articles, of which there's been some fabulous ones written in this district -- from this district -- publishing letters to the editor about the success of this program-- We need the press to help us.

And we need to have events. We need to have large-scale events. We will be at any fairs. We will be on the boardwalk in Keansburg handing out information. We will be where we have to be to get the public to know about it. The candidates have to do the same thing. This is not easy.

And we're here to help. We have a lot riding on this. We've pushed this. We've pushed this for eight years. If nobody qualifies, it's not going to be a good thing. So we're here to help both sides, and to help them qualify in any way that we can.

Thank you.

SENATOR SCHLUTER: Thank you very much, Ms. Salowe-Kaye.

I have one very specific question. I know at one time I went to the Middlesex County Fair. Does Middlesex County still have a fair?

UNIDENTIFIED SPEAKER FROM AUDIENCE: It's over.

SENATOR SCHLUTER: Has it been held?

UNIDENTIFIED SPEAKER FROM AUDIENCE: First week
in August.

SENATOR SCHLUTER: It's already been held.

UNIDENTIFIED SPEAKER FROM AUDIENCE:
Monmouth's over also.

SENATOR SCHLUTER: Very good.

Do members of the--

ASSEMBLYMAN BARONI: Can I just ask a question.

ASSEMBLYWOMAN MURPHY: I do have a question.

SENATOR SCHLUTER: Mr. Baroni had asked first.

Ms. Murphy, if you could defer to him.

ASSEMBLYWOMAN MURPHY: I certainly can.

SENATOR SCHLUTER: Mr. Baroni.

ASSEMBLYMAN BARONI: I would prefer to yield to Ms.
Murphy to allow her to go first.

ASSEMBLYWOMAN MURPHY: Oh, come on now. We'll do
this back and forth. (laughter)

ASSEMBLYMAN BARONI: I have a couple of questions.

First of all, I think the work you're doing is excellent. This is a
program a lot of us believe deeply in.

My first is somewhat technical, and that is, on the back of your
brochure -- the blue brochure -- is a list of the names of the candidates. I
have some questions that are going to come from that list. But my first
question is-- You list the major party candidates on the back. I believe --

and I could be incorrect -- that there are Green Party candidates in this legislative district.

MS. SALOWE-KAYE: That have qualified?

ASSEMBLYMAN BARONI: Well, nobody's qualified yet.

MS. SALOWE-KAYE: That agreed to--

ASSEMBLYMAN BARONI: That are in the process.

MS. SALOWE-KAYE: Once they do, we will change the brochure.

ASSEMBLYMAN BARONI: I think they're doing it now.

ASSEMBLYWOMAN MURPHY: They're in the process now.

ASSEMBLYMAN BARONI: The point is, all of the candidates in the 13th District -- and there's four candidates in the 6th District. And you have their names. And you've got the four major party candidates in the 13th District. But I believe -- and I could be incorrect -- but I believe there are two Green Party candidates who are doing the exact same thing as the Republican and Democratic candidates, going out door-to-door.

MS. SALOWE-KAYE: Then we will amend our brochure.

ASSEMBLYMAN BARONI: It would be helpful.

MS. SALOWE-KAYE: Absolutely.

ASSEMBLYMAN BARONI: But let me lead to another question that we may not have the answer to. And I see my colleague, Frank Askin, who may, off the top of his head, know this.

ELEC has given some very specific regulations, when it comes to the expenditure of funds for this program. And candidates-- For example, if I lived in Middletown and I wanted to throw an event to help these -- to help the candidates raise money, and I go out to the local Acme

and I buy cookies, and I buy punch, that money that I have expended to do that is an in-kind contribution.

I would just proffer to you that you may want to talk to ELEC about the presence of the names of the candidates on your brochure. I'm not saying it's a bad thing. I think it's a very good thing. But I can tell you the ELEC regulations on this are mind-numbingly difficult. And they worked very hard on them. It's very difficult. And I wouldn't want to see Citizen Action, who is really doing a good thing in this process, get themselves in a pickle over this.

I don't know the answer, but my suggestion to you is at least go--

MS. SALOWE-KAYE: I will have our attorney do that.

ASSEMBLYMAN BARONI: One of the things, when this is all over and we start talking about the success -- hopeful success of this -- we're going to need to look at this issue of seed money and how it can be expended. Because I know some of the candidates in the 6th District are actually doing their own baking. I mean, they're literally baking for their own events, because outside of it you can't contribute.

So I would just proffer to you that. But I must tell you, I'm glad to see Citizen Action is doing this and raising this kind of awareness.

MS. SALOWE-KAYE: Are there any other questions?

I just have my wallet. I want to show somebody--

SENATOR SCHLUTER: We have more questions.

MS. SALOWE-KAYE: Can I just walk to get my wallet?

SENATOR SCHLUTER: You go right there, and I'll ask a question of the--

Go ahead.

Do you have more questions?

ASSEMBLYMAN BARONI: I'm done.

SENATOR SCHLUTER: You go ahead.

MS. SALOWE-KAYE: I'm listening. I just want to show you all something.

SENATOR SCHLUTER: I will ask the question, then, of the two Green Party candidates. Have you fulfilled your obligation to become a participating candidate in accordance with the regulations?

MS. WINTERS: Can you come up to the mike and answer?

G R E G O R Y O R R: Sure.

MS. SALOWE-KAYE: Are you finished with me?

SENATOR SCHLUTER: Well, I think you can just--

MR. ORR: I just want to say I've downloaded the forms, and I haven't sent them back in yet. But I'm going to do that very quickly.

ASSEMBLYMAN BARONI: Talk into the little mike.

MS. WINTERS: The little mike records you, so you have to be in front of the little mike.

MR. ORR: Hi, I'm Greg Orr, from the Green Party.

And I have the forms from ELEC, and I'm going to be sending them out immediately.

Sorry, Andrea.

SENATOR SCHLUTER: How about Mr. Hall? Is he in the same--

MR. ORR: Yes.

SENATOR SCHLUTER: So that's probably why the Citizen Action did not get the names on there, because they're not in.

MR. ORR: Right. So we'll have them in the mail tomorrow morning.

MS. SALOWE-KAYE: And we'll change the brochure.

ASSEMBLYWOMAN MURPHY: My question, Ms. Salowe-Kaye, was--

MS. SALOWE-KAYE: Yes, Ms. Murphy.

ASSEMBLYWOMAN MURPHY: When you collected that money for the campaign that you were doing in another time-- You were saying people gave you an average of \$20.35. Did they have to fill out a form, giving you the place where they worked, the name of the company, the address, the phone number, their number, their phone, all of these things every time they gave you a check?

MS. SALOWE-KAYE: They have to fill out a form. But since it's not a political contribution, they don't have to say where they work. But they give us their name, address, their phone number, their e-mail. They give us all that. They don't tell us where they work, because it's not a political contribution.

ASSEMBLYWOMAN MURPHY: But they will have to this time.

MS. SALOWE-KAYE: We're not collecting money for this.

ASSEMBLYWOMAN MURPHY: If you're collecting money for the Clean Elections--

MS. SALOWE-KAYE: No, we're not. We're not collecting money for Clean Elections.

ASSEMBLYWOMAN MURPHY: Well, then why would--

MS. SALOWE-KAYE: We're campaigning-- No, our door-to-door--

ASSEMBLYWOMAN MURPHY: I'm sorry. I thought that was what you said, that when you were going out and talking to people, you were going to be getting money for the Clean Elections Campaign.

MS. SALOWE-KAYE: No, we go out and we are distributing information about the Clean Election Campaign. And we're doing it with our paid, full-time, door-to-door canvass that's talking to folks right now about Social Security, and asking them if they want to join Citizen Action. And so they're collecting membership contributions for Citizen Action.

ASSEMBLYWOMAN MURPHY: For Citizen Action only.

MS. SALOWE-KAYE: None of that money goes to a campaign or to a candidate.

ASSEMBLYWOMAN MURPHY: And your paid volunteers time -- talking about the Clean--

MS. SALOWE-KAYE: They're not volunteers.

ASSEMBLYWOMAN MURPHY: Your paid professionals who are going out and talking to citizens now, and will be talking to them about the Clean Election process-- Will they be marking that time down as volunteering for all the campaigns, in terms of the Clean Election process.

MS. SALOWE-KAYE: No, it's my understanding that the--

ASSEMBLYWOMAN MURPHY: They're paid volunteers. They're not volunteers. They're paid people.

MS. SALOWE-KAYE: No, they're not volunteers. They are paid staff.

ASSEMBLYWOMAN MURPHY: Paid professionals.

MS. SALOWE-KAYE: I am paid staff. I go to *X* number of meetings at nutrition sites, and I talk to people about why this is a good process and why they need to participate in it. I don't tell them who to give money to. It is my understanding that those activities are not covered as in-kind contribution to anybody.

ASSEMBLYWOMAN MURPHY: Good.

MS. SALOWE-KAYE: That is our mission as the organization. We are an organization that educates the public. And what we're doing is-- Everything here is educating the public on what Clean Elections is, how they can participate, and why it's the greatest thing since sliced bread.

ASSEMBLYWOMAN MURPHY: And my last question is, since this activity ends September 7, when will-- You said you will be putting out palm cards, you will have door knockers, you will be having meetings. These things are all in the future.

MS. SALOWE-KAYE: No, no, we are. If you look on our Web site, you will--

ASSEMBLYWOMAN MURPHY: No, no, you just said now, "We'll be, we'll be, we'll be, we will be, we will be."

MS. SALOWE-KAYE: We have been. I'm sorry, I shouldn't say-- We have been.

ASSEMBLYWOMAN MURPHY: Okay. So these have been started already.

MS. SALOWE-KAYE: Yes.

ASSEMBLYWOMAN MURPHY: And everyone is benefiting from that.

MS. SALOWE-KAYE: And the copies of the materials we have distributed.

ASSEMBLYWOMAN MURPHY: Because we got these.
(indicating)

MS. SALOWE-KAYE: We've distributed thousands of these already. We've been at supermarkets, we've been all over the place. We did a 3,500-piece mailing to our members in this district. I think it was a 4,200-piece mailing in the other district.

ASSEMBLYWOMAN MURPHY: Great.

MS. SALOWE-KAYE: I just want to tell people one other thing. I know there's been this issue about, "Do people have checks? Do people carry checks with them?" They wouldn't make-- First of all, they wouldn't make wallets that have this thing in them if women didn't carry checks. I know men don't have big wallets, but women carry checks. I know it's been some issue that people don't have checks.

ASSEMBLYWOMAN MURPHY: A lot of them don't. Some do, some don't.

MS. SALOWE-KAYE: Some do, some don't. They sell lots of wallets like this. So there's a lot of ways to get checks from folks.

And I will just give one example that I have told people -- a suggestion to both parties. A lot of tenant organizations-- These candidates should have volunteers calling the list of tenants in an apartment. And then you have three volunteers in that apartment complex with a cell phone. And if you call Mrs. Smith, and she says, "Yes, I think this is a great idea. I want to give a check --" if it's a Democrat or Republican -- "Great, somebody will be at your house in 10 minutes, five minutes." And then

somebody calls on a cell phone into that apartment complex, and you say, “Go to apartment D3, pick up your check.” This is in addition to the barbecues and all the other things that you can do to get checks. It’s hard. It’s the way elections used to be run. And we urge the candidates to be creative and to use every mechanism in your tool kit to get these checks so you qualify. So if you don’t find somebody with a checkbook, go to their house. It’s there someplace. Not everybody pays their bills online.

ASSEMBLYWOMAN MURPHY: You know, I have three women friends who are my age who have never written a check in their lives.

MS. SALOWE-KAYE: They should come to Citizen Action’s financial education programs.

ASSEMBLYWOMAN MURPHY: And they don’t have credit cards either, because they don’t believe in them, and they don’t trust the banks. Now, how is that?

MS. SALOWE-KAYE: They should go through financial education classes.

ASSEMBLYWOMAN MURPHY: I don’t know what they’re going to do someday.

MS. SALOWE-KAYE: Do you have any other questions for me?

SENATOR SCHLUTER: Excuse me, are you through, Ms. Murphy?

ASSEMBLYWOMAN MURPHY: Thank you very much.
Thank you, Phyllis.

SENATOR SCHLUTER: Mr. Tao.

MR. TAO: A very brief question.

First of all, thank you very much for your efforts, and thank you for coming.

Assemblyman Baroni's point, with respect to the dividing line between advocacy and education, was a series of questions which I focused on during the Commission's meeting in Camden County on Monday. I would be delighted to know what your legal counsel decides, or at least advises you.

MS. SALOWE-KAYE: About the names?

MR. TAO: Yes.

I would be of the view -- and I can't speak on behalf of the Commission -- but I would be of the view that advocacy is a contextual analysis. And education, certainly, would imply that you would need to provide at least the names of the candidate, and it's done in a nonpartisan manner, and you provide full disclosure of all the candidates' names. I would have difficulty in concluding that that wouldn't be education.

To the extent that your counsel decides that they need to consult with ELEC, and to the extent that ELEC doesn't provide you with comfort, please do let us know. Because, certainly, we would be able to have a role in providing our thoughts to ELEC with respect to that type of interpretation between advocacy and education.

MS. SALOWE-KAYE: Okay.

Anybody else?

SENATOR SCHLUTER: Any more questions?

Yes, Mr. DeLuca.

MR. DeLUCA: Your comment about, don't whine, mobilize-- We heard comments Monday night, when we were in Camden County, from candidates saying that it's a difficult process -- some of the issues here.

One of the candidates talked about using his communities of interest and his circles. And I think the Chairman remarked, toward the end of the meeting, that one group of interests that was not raised were the political parties.

And I'm wondering, have you had-- What's your opinion about the role of the county Democratic party in the 6th District, and in the 13th, and the municipal parties? Are they involved? Are they not involved? Should they be involved?

MS. SALOWE-KAYE: Well, you'd have to ask the candidates more specifically. I mean, we are saying-- I used to be a district leader many, many years -- county committee -- call it what you like. I knew everybody on my block. I had the 10 blocks. I had to go do it. I think that the county committee people are probably the most valuable tool to the candidates.

And I don't know if it was-- I wasn't at the hearing, but I know there was some discussion. Those county committee people -- they come to my door where I live, and they want me to vote at election time. I think that they need to be given missions to go back into their neighborhoods and come back with checks. I mean, this is the party. There's lots of parties. You should look at every person that voted. Both parties have to look at who voted in the last election for the Democrats and who voted for the Republicans. And if you want your candidates to get these checks, then you should be contacting everybody who voted in a Democratic primary and

everybody who voted in a Republican primary. I mean, you should look to see who's given money in the past to Democrats. I mean, that's what the candidates have to do. I think that the party, probably, has the biggest machine or mechanism that anybody has out there. Fish fries, whatever it is -- you've got to-- Yes.

So the answer is, I think that there is a built-in mechanism. How strong is it in these two districts, or how activated it is-- I wouldn't want to be the person that makes that judgement. I think that if they're not active, and they're not strong, this opportunity-- And to have the pilot program in this district gives both the Democrats and the Republicans the opportunity to really strengthen, from the bottom -- strengthen with those district leaders, those county committees -- to strengthen the party and get it strong again.

The people we go out and talk to-- They feel that money buys elections. When they find-- When we talk to them, and they find out that their \$5 can help, and counts, and isn't next to somebody else's \$1,500, they are amazed and excited. It gives people a voice. And I think that the parties need to talk to the people -- those people that Carol Murphy -- Commissioner Carol Murphy just talked about -- the people here that are just regular people who want to participate. There's a lot of those people out there. We knock on their door every single night of the week. And I think that those are the people that the parties should go after.

SENATOR SCHLUTER: Mr. DeLuca, more?

MR. DeLUCA: No thank you.

SENATOR SCHLUTER: No more questions? (no response)

Thank you very much, Ms. Salowe-Kaye.

MS. SALOWE-KAYE: Thank you very much.

SENATOR SCHLUTER: And if you stay around, maybe people will talk to you later.

MS. SALOWE-KAYE: Oh, I'm staying around.

SENATOR SCHLUTER: Thank you for coming.

Our next scheduled person to make a presentation is David Donnelly, of Public Campaign.

If you would come forward, identify for the people here-- We heard from Micah Sifry the other day, who is in your organization. But explain what your organization does, and your national scope, and so on.

DAVID DONNELLY: Sure.

Thank you, Mr. Chairman and members of the Commission.

My name is David Donnelly. I'm the National Campaigns Director for Public Campaign, which is a national campaign finance reform group that supports efforts in states and localities around the country to enact and implement systems like the Clean Elections pilot program, here in New Jersey.

I'm also, as of Monday, a new resident of New Jersey, and I'm very proud to be here to testify as a New Jersey resident. My family and I are moving to Roosevelt. And we just dropped off our stuff. Unfortunately, it's not in either of the districts that has a Clean Elections pilot program going. I would have wanted to fill out a qualifying contribution for any of the candidates running to help support their work in this groundbreaking effort.

Other states have passed clean elections policies, around the country. And I've also had the privilege to be involved in many of those efforts.

Ten years ago, in 1995, I helped draft and manage the first clean elections campaign in the country, that passed a ballot question in the state of Maine, by a 56 to 40 percent -- 44 percent margin in the state. It's quite a bit north of here.

In Maine, we don't talk about fish fries as much as we talk about baked bean suppers, and clam bakes, and other things. But whatever way, candidates there have found operating under the clean elections system a godsend, something that's brought them back in touch with people in their district, and brought them back in touch with the reasons why they went into politics in the first place -- if they're current elected officials -- or attracted a number of new people to run for office in the state, who otherwise might not have taken that opportunity.

I also worked with activists and legislators in Vermont to adopt a public financing program there that now is in place for the governor and lieutenant governor races. I also ran a statewide campaign in Massachusetts that adopted a clean elections program in the Bay State in 1998, a law that is now no longer on the books because of resistance to change that lawmakers in Massachusetts exhibited when they saw the kinds of things, the kinds of ways that campaigns -- how campaigns would change. And that legislature refused to provide the funding that law would provide.

I've advised reformers in a number of other states, and provided guidance for the efforts in North Carolina, that now has a system for judicial races in that state.

There are certainly other systems like this in the country. Arizona is one you've probably heard quite a bit about. The city of Portland, Oregon, also recently adopted a clean election programs for municipal races.

And so I bring to you -- whenever experience goes into drafting a campaign finance law, which is, often times, a lot like sausage making-- You don't like to really talk about what really goes into drafting a campaign finance law because of so many of the competing interests and so many of the cultural aspects of politics of a particular state.

Every state that I've worked in has had different variations in their system, different ways that political practices have altered the way that laws are drawn. And so while we can draw upon the experiences that other states provide, I think this law -- this pilot program is going to be indigenous to New Jersey and will be formed by the experiences that the candidates have and the voters have this Fall.

I do want to speak a little bit about the vision of these kinds of systems, because they weren't put into place just with candidates in mind. They were put into place with voters in mind and put into place with perspective candidates, a generation of candidates, in the future. Who is going to run for office? What kind of people can we attract to public service?

On Tuesday, after my belongings had moved down here from Massachusetts, I took my family out to the Hightstown Diner in downtown Hightstown. And you could tell that the waitress who was serving us was soaking up the conversation about the local schools we were having with some of our new neighbors, as quickly and as effectively as she was soaking

up my son's spilled Coke with her sponge. And it reminded me, as I was getting ready to testify tonight, about another waitress in the state of Maine, who had been told over, and over, and over again that she should run for public office. This is a single mom, someone who had been on welfare, worked herself off of welfare, and had been told, "You should really run for office." And her response had always been, "I don't have the money. I don't have the connections to run for office."

Now, state representative Deb Simpson, who ran as a clean elections candidate, was the chairman of the committee that reauthorized the welfare reform law in the state of Maine, someone who brought her life experience to the halls of power in Maine, to the halls and corridors of the legislature, to provide a different perspective; someone who otherwise didn't think she had the opportunity to run for office.

And so it's that kind of person that I think about when I think about a system like this. It's that kind of person who might not be attracted to public service, or might be turned off about going into public service because of the barriers that money in politics puts before individuals when they think about entering the arena.

And that's a shame, in our democracy. I mean, our democracy is not made to be a spectator sport. Our democracy is made for active participation. But we've seen voter turnout trends go down in state after state, and in national elections. We need to reverse many of the disturbing trends we see in our democracy. And while a Clean Elections program is not a panacea, it is a piece of the puzzle, we believe. And I believe strongly -- in seeing how it's changed people's lives -- it's a piece of the puzzle to re-

engaging the public not just in supporting candidates, but also in running for office themselves.

And I'd be honored to take whatever questions, and answer whatever I can, for you all here tonight, as well as serve as an informal, volunteer advisor to any of you as we proceed in this process. As a resident of New Jersey, now, I hope that in several years I will be filling out those qualifying contribution forms when candidates come to my door, and supporting their efforts in running on these kinds of systems.

Thank you.

SENATOR SCHLUTER: Thank you very much, Mr. Donnelly.

I have a question. If this Commission, or if our staff and the Office of Legislative Services, or anyone who is involved, wants to get some of your background, can they contact you at Roosevelt?

MR. DONNELLY: Absolutely.

SENATOR SCHLUTER: Or they contact Mr. Sifry, or-- What is the--

MR. DONNELLY: You can absolutely contact me. I'm on vacation for another week. But I will certainly provide my local contact information for the Commission.

SENATOR SCHLUTER: You will provide that for the Web sites that are -- that will be spreading the word about this?

MR. DONNELLY: Yes.

SENATOR SCHLUTER: Good.

All right, we have-- I'll start down at this end this time.

If we can have questions from the Commissioners--

Yes, Ms. Murphy.

ASSEMBLYWOMAN MURPHY: Just one question. When the legislature in Massachusetts was working on this, and seeming to agree to it, did they put this to the ballot on the public referendum? Did they ask the people?

MR. DONNELLY: It was adopted, initially, on the ballot in Massachusetts. Voters collected over--

ASSEMBLYWOMAN MURPHY: So they collected petitions. And the public had seemed to support it.

MR. DONNELLY: The public supported it with a two to one vote in 1998. The legislature decided not to fund it year after year. It was slated to go into effect in 2002. The legislature held out funding it until the number of candidates who had decided to take the leap of faith to run under a system that provided -- that had no guarantee of funding -- had winnowed to be such a small number that the system was, in effect, not operable. It was a messy lawsuit. The state was found -- that it violated its own constitution in not providing the funding.

Eventually, the state legislature, in releasing the last little bit of money, put what many of us believe was a negatively worded question on the ballot, geared to get the kind of result the legislature would need. It was an advisory question, five years after the fact. So the legislature then used those results to repeal a law that had been put on the books by voters themselves. It was a-- I intend to write a novel about it someday, because I can't believe it's really true.

ASSEMBLYWOMAN MURPHY: Thank you very much.

MR. DONNELLY: Thank you.

SENATOR SCHLUTER: Is it not true that the -- it was-- You said the legislature. But wasn't it the speaker who asserted his power more than anybody else?

MR. DONNELLY: The speaker was certainly a major piece of this. And the speaker of the house had ultimate control of the legislative process of what moved forward and what didn't. It certainly is a messy chapter in Massachusetts politics.

SENATOR SCHLUTER: And his name was?

MR. DONNELLY: Tom Finneran.

SENATOR SCHLUTER: Finneran.

MR. DONNELLY: Yes.

SENATOR SCHLUTER: That's very instructive.

But you say that there's been a subsequent referendum--

MR. DONNELLY: There was a referendum.

SENATOR SCHLUTER: --which negated the public financing.

MR. DONNELLY: That was an advisory question to the legislature. And the legislature looked at those results. Again, it was a negatively worded question that didn't describe any of the benefits of the law. And they used those results in order to repeal the law that the voters had passed.

In Massachusetts, you can pass a question via the ballot. You can't fund it via the ballot. The legislature is required to fund or repeal a piece of legislation. In not funding it, and in not repealing it, they were found in violation of the state's constitution. And, therefore, the legislature, in order to not be in violation of the question, cooked up this

misleading question to put on the ballot and use that as their cover in order to repeal the law.

SENATOR SCHLUTER: Thank you.

MR. LENOX: Maine and Arizona also created the clean elections through voter initiative.

MR. DONNELLY: Yes.

MR. LENOX: So New Jersey is the only state that's done this without the voters being invested in it from the beginning.

MR. DONNELLY: Well, I think we can have an argument about representative democracy. But I think having elected officials also grapple with and look at the details of a campaign finance law that they're going to have to live under is a very powerful thing and a very important thing.

And so, while in Massachusetts we had the voters very invested in it, in fact it was probably the major political battle for three or four years running. And the voters consistently, in public opinion polls, were supportive. The legislature was never invested in it.

And so I think the combination of public education, of public support for a system like this, as well as legislative support -- like what has been, certainly, shown for this pilot program -- is a very important-- They work well together.

SENATOR SCHLUTER: I might add, for the Commission's benefit, having studied the Massachusetts law, the limit on contributions from individuals, and the aggregate limits, are maybe 10 percent of what they are in New Jersey. So if they're bad in Massachusetts, think of what they are in New Jersey, as far as the corrupting influence of a lot of money.

That was a gratuitous remark from the Chairman. Excuse me.
(laughter)

MR. DONNELLY: I won't respond then.

SENATOR SCHLUTER: Mr. Baroni.

ASSEMBLYMAN BARONI: I'd like to ask your attention to two of the states where you've got statewide -- North Carolina -- judicial. What is the number of contributions needed to qualify?

MR. DONNELLY: I don't have that number on hand, but I'll provide it for the Commission.

ASSEMBLYMAN BARONI: It would be helpful.

How about Vermont?

MR. DONNELLY: Vermont -- I believe the number of qualifying contributions is 1,500 qualifying contributions, statewide, in a state that's roughly about 400,000 residents.

ASSEMBLYMAN BARONI: So for a state that has 400,000 people -- which is roughly twice the size of our legislative districts. So to run for governor of the state of Vermont, you need to get as many contributions as to run for the Legislature in one district in New Jersey. Does that strike you that New Jersey's contribution requirement number is overly high?

MR. DONNELLY: I'm not an expert on New Jersey politics, nor even New Jersey landscape yet. I know, from spending a fair amount of time in Vermont, it's an incredibly rural state, with houses very far apart. The largest city in the state of Vermont is about 35,000 to 40,000 residents -- Burlington. And so I think it's hard to compare state to state, particularly when it comes to the qualifying contributions. I know this is going to be a

matter that the Commission is going to wrestle with. So I think it's something that I don't feel comfortable comparing -- those two amounts.

ASSEMBLYMAN BARONI: Did any of the statewide candidates in the last governor's race in Vermont -- Governor Douglas's race-- Did any of the candidates participate in the system?

MR. DONNELLY: No, none of the candidates participated in the public financing system, to my knowledge. The law is, currently, still subject to a lawsuit.

ASSEMBLYMAN BARONI: Oh, it is?

MR. DONNELLY: The lawsuit is challenging not the public financing provisions, but the mandatory spending limit provision of the system that, as some believe, run counter to the constitution. In fact, the legislature, in enacting it, acknowledged that it was going to face constitutional challenge because of those provisions. No one has challenged the public financing provisions on their constitutionality, to my knowledge.

ASSEMBLYMAN BARONI: Thank you.

SENATOR SCHLUTER: Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

Good evening, and welcome to New Jersey.

MR. DONNELLY: Thank you.

ASSEMBLYWOMAN GREENSTEIN: You may not know this, because you said you're just getting acquainted with our system here, but at our recent hearing we heard a lot about some of the problems that people are seeing initially. Do you have any sense, at this point, of why it would be, say, more difficult here for people to raise the \$5 contributions than it seems to be in some of the more rural states?

For example, I don't know if they've had a longer period of time to do it. Here, I think people are doing it within about a six-week or two-month period. I have no idea if they've been doing it over a longer period. Maybe they take six months or more to do it. And just, generally, why, here it seems to be difficult so far?

And if I might just add this last point, one theory we heard the other day is that because people don't know about the program, and it isn't out there, that in a sense they're not coming to the candidates. They haven't yet bought into it because they don't know about it. So they're not saying, "This is a great program. I want to give you money." It forces the candidates to go to them, which is clearly a lot more difficult.

MR. DONNELLY: I'm sure that's a piece of it. I'm sure the other things they've mentioned are also important components to analyzing why it's been difficult or why it's been challenging -- the length of time. Others have mentioned the Summer months.

In addition, in Maine and Arizona-- I'll speak to Maine first, because it's something I know better. There was a longer lead time, from the time the voters had enacted the law in 1996 until the candidates were ready to participate in 2000. It was a four-year lead time, in terms of-- It was two election cycles.

ASSEMBLYWOMAN GREENSTEIN: So people were very primed for this. They knew--

MR. DONNELLY: The candidates, certainly, were very prime for it. And, certainly, voters knew that they had adopted the clean election system. I don't think all voters knew that it entailed them writing a \$5

qualifying contribution for candidates. But I believe it was-- Certainly, that public education level was higher than it is here.

ASSEMBLYWOMAN GREENSTEIN: Do you have any suggestions, at this point, with this pilot program that we have -- we have two districts this time, and next election it would be four districts -- for how people, in this relatively short period of time, can raise this money?

MR. DONNELLY: Well, I have to say, I'm very impressed with what New Jersey Citizen Action has outlined as its program. It's a much more aggressive public education program than I've seen in many of the other states, where organizations have tried to encourage public participation in the system.

ASSEMBLYWOMAN GREENSTEIN: Citizen Action, I'm sure, will do an excellent job with that.

MR. DONNELLY: So I think that's-- Certainly, I think that program being carried forward is an important thing. I would encourage other organizations to follow that model, or similar models that work for them.

I think the work that this Commission is doing, by holding hearings in the districts in which races are covered by this pilot program, is very important. And I think the press is doing a good job covering it, from what I've seen. I've been trying to jump right into my new state and learn this very quickly.

I'm also very encouraged, I have to say, not just by the reporting, but by the comments that citizens have made in talking about making their qualifying contribution and what they think they're getting back. And to the extent that those voices can be amplified-- And I think it

goes to Ms. Murphy's point earlier -- and I hope we hear it from other citizens tonight -- what this process really means for voters. And I think that will help, as well, getting those voices out loud and clear.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

SENATOR SCHLUTER: Mr. DeLuca.

MR. DeLUCA: Just a quick question. I see in the Maine program that candidates may actually -- are actually allowed to purchase \$5 money orders themselves, and sell it to citizens to give back. Are you familiar with that?

MR. DONNELLY: I'm familiar with that. That came through a regulatory change.

MR. DeLUCA: Okay. Does it work?

MR. DONNELLY: I haven't heard any difficulties with it. I don't know what the participation rate-- And it may be hard to track exactly how many candidates are doing that, because what you get is just a qualifying contribution, in terms of what's being reported. I don't know whether candidates would have to file their purchases of money orders.

MR. DeLUCA: I don't know how that would work, because it's almost a loan to the campaign, which I'm not sure is--

MR. DONNELLY: Well, I think--

MR. DeLUCA: The-- You know you have--
I'm sorry, go ahead.

MR. DONNELLY: I think it would be instructive to hear from the Commission, or the board of elections in Maine, on that.

MR. DeLUCA: Great.

SENATOR SCHLUTER: Thank you.

And what Assemblywoman Greenstein mentioned before -- of asking for your comments-- I hope you will keep observing, because maybe it's a little bit premature to give your comments on exact recommendations at this time. But after November 8, we're going to be coming to you and coming to a lot of people to get comments on how this can be improved and what has to be done.

Thank you.

MR. DONNELLY: Thank you, Mr. Chairman.

Thank you.

SENATOR SCHLUTER: We have another person who has traveled a long way and testified down in Camden. Marilyn Askin, of AARP.

If you could identify yourself, Ms. Askin, and present your testimony.

MARILYN ASKIN: Thank you, Mr. Chairman.

My name is Marilyn Askin, and I'm the State President of AARP, which, by the way, is a volunteer organization, just to get that straight.

Yes, I did travel a long way. Last week -- going down to Camden was a very lonely trip. So this week, I -- today I brought my husband with me to yell at me. (laughter)

In any event--

First of all, Phyllis, I want to commend you and Citizen Action for spearheading this campaign and making it a reality in this district.

Our organization has 1.35 million members in New Jersey. And the reason we're interested in clean elections is because we're

nonprofit, we're nonpartisan. We have never made a political contribution to any candidate whatsoever. The only thing we do contribute is our vote. And we don't like our voice drowned out by the special interests. And that's why AARP is interested in this.

I'm sure other people will be talking about this further. All I want to do tonight is report on something quite monumental, I think. We sent out-- On Monday, I distributed the letter we sent out and a pledge that we sent out with each letter. We sent out-- In the two districts, we sent out approximately 6,000 pieces of mail. We sent out 3,000 on Friday and another 3,000 just the past Tuesday, two days ago.

When I checked with the office on Tuesday, we had already received 160 signed pledges back. And I checked with them today, and we are close to 500 back. Five hundred citizens who probably didn't know anything about Clean Elections now do know about Clean Elections, and signed this pledge which is really copied from the legislation. But they've also authorized AARP to distribute these pledges to legislators to show them that they are in support, and that the public does support this.

So we hope to continue the educational process of our members. And we want to encourage this Commission to do what appears to be a fabulous job, so that Clean Elections can be extended statewide.

SENATOR SCHLUTER: Thank you very much, Ms. Askin.

And we'll start at this--

Mr. Baroni.

ASSEMBLYMAN BARONI: Quick question. You have 500 -- it's going to grow by some number at some point -- of people.

MS. ASKIN: Well, it's less than a week.

ASSEMBLYMAN BARONI: You have people in the 6th and 13th Districts--

MS. ASKIN: Sixth and 13th.

ASSEMBLYMAN BARONI: --that have said they support the Clean Elections programs. And they've authorized you, in the first paragraph of the document, to tell people that they -- "Bill Baroni, Marjorie Way, in Lincroft, supports the program," yes?

MS. ASKIN: Exactly. It says, "By signing this pledge, I freely and fully authorize AARP to distribute this pledge to public officials in order to indicate my support of the New Jersey Fair and Clean Elections Pilot Project."

ASSEMBLYMAN BARONI: Have you given thought to providing the names and addresses of the people who have said that to the candidates who are attempting to--

MS. ASKIN: Of course.

ASSEMBLYMAN BARONI: Oh, you're going to give them to the candidates.

MS. ASKIN: Oh, to give them to the candidates?

ASSEMBLYWOMAN MURPHY: Yes.

ASSEMBLYMAN BARONI: Yes, the people who are out trying to-- I mean, I hate to make these poor 500 people sitting ducks, but, I mean, you've got a list.

MS. ASKIN: No, we have their names and addresses. They have signed and printed their names and addresses on the return pledges.

ASSEMBLYMAN BARONI: But my point is that in the 13th District, you've got six candidates, and in the 6th you've got four

candidates, who are literally -- potentially pulling their hair out trying to find people who will support and understand the program. And you've got a list of 500 people who understand it, read about it, and have said, "I support it." Have you thought about providing-- And maybe this is a policy decision AARP doesn't want to do. But have you thought about providing the names and addresses of these people to the candidates, all of them equally, to go out and say, "Mrs. Smith, you signed this. You told the AARP--" Will you do that?

MS. ASKIN: I would have to speak to my board about it. But I don't think we're going to compile names. At most, we will just duplicate these and send them out to--

ASSEMBLYMAN BARONI: I think the candidates would be more than willing to deal with any list you provide them, in any form whatsoever.

MS. ASKIN: Well, that's what this is all about. I sign it, I support it, and give it to public officials.

ASSEMBLYMAN BARONI: I believe this -- the success of this program -- and everybody up here, I think, supports the success of this program. If neither district has candidates who comply and get the contributions, and if the folks in the 13th District here in Monmouth and Middlesex Counties-- If they have a situation where some of the candidates succeed and some don't, the program -- people will raise questions of whether we should have this or not.

Your organization has a history of supporting good causes like this. This is a unique opportunity to provide, to candidates for office, a list of people who say, "I get-- I understand this program. I support this

program.” And maybe-- And we don’t know if they’ll actually write the check, but maybe they will. And I can tell you, candidates are going to go to the doors of people who filled out your form and say, “I’m Amy, I’m Mike, help me.” And maybe those 500 contributions make the difference of whether or not this program succeeds.

ASSEMBLYWOMAN MURPHY: That’s right.

MS. ASKIN: I will bring it back to our advisory council.

ASSEMBLYWOMAN MURPHY: Keeping in mind, September 7 is very close. And that’s the crunch -- is the time.

ASSEMBLYMAN BARONI: And, Marilyn, when people start calling and complaining to you that their names were given to all these candidates, say Schluter came up with the idea. (laughter)

ASSEMBLYWOMAN MURPHY: And we’ll support you. We’ll sign a pledge to support you, Marilyn.

MS. ASKIN: One other thing before I leave -- and that is, I found very compelling some of the statements in Camden about making the contribution process more voter-friendly and more user-friendly.

And, Phyllis, I hate to say this-- I carry credit cards and mad money. I have never carried a big wallet, because I’m campaigning in women’s clothes to make sure they put pockets in women’s clothes so we can stick this in. I don’t like carrying bags and looking like Queen Elizabeth. (laughter)

SENATOR SCHLUTER: You’d have to wear a hat.

MS. ASKIN: But this is it. And I like the idea of making it a little bit user-friendly. And I’m sure the Commission, after it does conduct its hearings, will think of ways of doing that.

I know in Camden they had suggested online contributions, where people can fill out the forms. And it was suggested that people can give \$5 cash, and the person collecting it give a signed receipt in return. But I think it would make it much more voter-friendly.

SENATOR SCHLUTER: As I've said before to Mr. Donnelly, remember these, because when you testify before us after the election, we're going to want the benefit of all these good ideas that you have.

MS. ASKIN: Okay. Thank you very much.

SENATOR SCHLUTER: Just a minute, we might have more questions down that end.

ASSEMBLYMAN BARONI: And thank Prince Phillip for joining you, as well. (laughter)

SENATOR SCHLUTER: Thank you very much.

MS. ASKIN: Thank you.

SENATOR SCHLUTER: Now, I think it's time to get the candidates-- Let's see, we have the two-- Did the two Democratic candidates go out? Did you get them in? (affirmative response)

Pick one.

MS. WINTERS: The winner is Mike Dasaro, Democratic Party.

SENATOR SCHLUTER: And if you could come forth and present your testimony, we'd appreciate it, Mr. Dasaro.

M I C H A E L D A S A R O: Thank you, Mr. Chairman and members of the Commission.

I'll be brief, because I'm sure at your meeting in Camden -- just from the comments I've heard this evening -- you've heard a number of the comments of the difficulty of the program.

Now, honestly, this is my first foray into politics, so I am not familiar with the way that things used to be. I understand, through reading in the papers, about the contributions and obviously doing my own investigations into that -- is how it used to be. But this is my first experience with campaigning and obtaining contributions.

I think a good generic quote is, "Nothing worthwhile is easy." This program, as many worthwhile causes, is difficult. When Jonas Salk cured polio, I think he had a number of setbacks before they were actually successful with the vaccine. But they didn't give up on the first setback. It requires persistence.

Unfortunately, we've been sent out on our ships in a limited time frame, almost operating in a vacuum. As attorneys often use analogies, they say, "This can't be operating in a vacuum. You can't look at this case as it's in a vacuum, because it has its own specific facts." But here we are in the proverbial vacuum because we've been set with these very, very specific and stringent rules from ELEC as to how we can collect the contributions and move forward.

I'll say to the Commission that we have attended the small events. We've walked and knocked on doors. We have contacted our friends and family, and we've contacted the municipal chairs. I can tell you, sitting here tonight, we're not prepared to -- well, today's already Thursday -- well, by next Thursday -- I think it's the next deadline for contributions -- we're not ready to submit 3,000 checks to ELEC, or actually the 4,000 they

suggested we collect, because they thought that they were going to throw a number out.

That being said, I'll finish on what I feel is -- why I think this program has to succeed -- but how it could succeed. And I also got this feeling from some of the Commissioners. We need-- And when I say we, I mean all candidates -- all six of us, or eight, or 12, or 15 -- however many candidates are running in a certain election -- need the assistance of the citizen action groups. These people are hard workers, good workers, and I support their causes. And I believe with their assistance, this can work, because it's a monumental task for individuals to collect, in the time frame allotted, these contributions.

I would request, like I did of the *Asbury Park Press* -- and they conceded with that request -- that each group suggest that citizens give to all candidates. And I think that's a way to get it done. Now, maybe when the 13 or six candidates -- so someone doesn't want to write six \$5 checks or six \$30 checks because they say, "Well, I'm a Democrat, or I'm Republican, or I'm Independent and I don't give to anybody." But you could say, "Well, why don't you do this? You and your spouse, or brother and sister -- you give three checks to the two Democrats and one of the Green Party members, and the other one give a check each to the Republicans and the other Green Party member."

I'm just throwing out ideas as to how this could be successful and how these groups could really help us. We've mobilized, and it's just not there. And that's forgetting party affiliations, forgetting the issues we may have with each other of how we would govern and how we would vote. That's solely focused on the Clean Election campaign.

It's been a challenge, I think, not only to the candidates, but also to the residents of my district and the residents of the 6th District. What the State has said is, "Here's this program. See if it works. Everyone has complaints about how big money plays--" and I'm included, I'm one of them -- I'm not saying I'm not one of them -- but how big money plays a role in politics. And this is a way to get rid of it. So it's almost like, "Residents of these districts, put your money where your mouth is."

But we need assistance from other groups. I'll be the first to admit, I -- in the time allotted to me, with work obligations, and family obligations, and everything else, I would never be-- Even with all my -- I think I know a lot of people at least. But even contacting all my friends, I would never be able to accomplish this task. But I do have a lot of people assisting me, and I appreciate their help. But like I said, we need more.

I want this program to succeed. I don't want to see it fail. And that was actually my quote -- my comment to the paper -- to the *Asbury Park Press* when they did the article. If it fails this time, how long will it be until we try again? Because everyone is-- Next time, if it's the 8th and the 11th Districts, or the 40th and the 1st, whatever it may be, those folks are going to say, "Wait a minute. Why are you punishing me? It didn't work in the other. How did I get so lucky? We know it didn't work in the other district." Now, I know there will be comments, and changes, and some other things, so that may help out. But I think if it's not a success, that would be the attitude of the candidates in whatever the next districts are.

I would like to see this program statewide. Quite honestly, I really would. And that's why we've been trying. We've been trying to

make it work. But everybody else who wants to see it succeed needs to be just as involved.

The Commission has some great suggestions. If the AARP-- I would contact the people. If I was provided the list of names -- "These are people in the 13th District that are interested in donating to the Clean Election fund." And I would contact them and say, "Please, we really need your help." And all of the other groups--

It becomes difficult, because the rule, at this time -- ELEC is very strict. And, Assemblyman, I concur with your comments after that meeting that we had with ELEC. I think anyone that is doing -- that is assisting the candidates in this program should contact ELEC, ask for an advisory opinion. I wouldn't want to see anyone, trying to do the right thing -- anyone get in trouble along those lines.

So I would also suggest that anyone assisting the candidates, even if you're doing it across the board -- you should still contact ELEC and ask for an advisory opinion.

And that being said-- Like I said, I want to end on a positive note. And I want this to succeed. I think it can succeed. And I would answer any questions that the Commission asked.

SENATOR SCHLUTER: Thank you very much, Mr. Dasaro.

Do we have questions from the--

Mr. Tao.

MR. TAO: Thank you very much for coming to testify. I know that the Commission will invite you to testify again, come January, when you have the chance to reflect upon the entire campaign process.

As you know, the legislation attempts to strike a balance between establishing a level of amounts and quantity of contributions -- manner of contributions in which you will be received -- to demonstrate a modicum of public support, against allowing a feasible and reasonable manner for candidates to qualify.

I would ask you to think very hard about three areas. And I understand you made the point about third party advocacy -- or I should say third party involvement. But what we would be very interested in knowing are your reflections in these three categories: the window in which you're able to solicit contributions, which is the end of June through September 7 -- whether or not you have the reaction now, or if you want to think about it in January. Would you prefer an extension at the end or an extension in the beginning?

Secondly, the amount and quantity of contributions. Do you want to reduce the number that you have to get of the \$30? Do you want to reduce that to \$10? It would be very helpful to know what your reactions are, since you're on the doorstep each and every day.

And third, the manner in which you are to solicit and receive contributions. One possibility which I've floated -- and I'll continue to float -- is creating safe harbor events, meaning that you'll have the ability to register two events, where you can call it a convention or what you may, where you're able to spend *X* amount of dollars of your seed money you've received thus far. And then there will be a certain ease in which you'll be able to register, and identify, and report the contributions.

To the extent that you have a reaction to that now, with the snapshot of being involved in the process, that's great. We would love to

hear it. Or if you would like to defer your thoughts until you have a chance to reflect, that would be fine, as well.

MR. DASARO: If I could defer on points one and two-- Because if I'm successful, I'll come back September 8 and say, "No problem. That was a breeze. What were we all so worried about?" But if I could defer until after -- and then just to see if we are successful, if no one is successful, maybe get a chance to speak to the other candidates about it and get their input.

But I would wholeheartedly support a suggestion like point three. I think that's a wonderful idea, because there's-- It's difficult. One of the comments we received from ELEC -- or one of the permitted functions was coffee and cake. So if you're having-- According to ELEC, if you're having coffee and cake for 15 people in someone's living room, and everyone's there giving two checks-- Obviously you couldn't require, to show up, that you write checks. But if you meet the candidates and have coffee and cake, to them that's okay. Once you hit the level of maybe free drinks, it's a little different. A full free dinner -- probably not. And that's sort of the guideline from ELEC.

And I guess you could use extreme examples. If it's champagne and caviar, obviously, that's a lot more -- that's outside of the scope of the idea of Clean Election -- and let's get \$5 dollar checks from a number of people. But you would start to hit a fine line.

So a specific dollar amount would be perfect. You could have up to 100 people and spend \$3,000 at the first event, and up to 250 people and \$7,000 at the second event, whatever the numbers may be. I just pulled this off the top of my head. I think that would help substantially,

because then there would be no need to question ELEC, or wait for an advisory opinion, or anything along those lines. And then all the candidates know what the playing field is. Someone could cry foul. If we had coffee and cake; and the Green Party had coffee, cake, and Entenmann's doughnuts or Bruce Springsteen, someone--

ASSEMBLYWOMAN MURPHY: A little lobbyist. (laughter)

MR. DASARO: I'm being a little tongue in cheek, but I think that would be a great start to -- one of the things that could help the program -- or help the candidates in the program know the guidelines and be able to go into the program planning out their events a little more than, "Okay. We just have to go collect 3,000 checks."

SENATOR SCHLUTER: Thank you. Mr. Tao.

I think if we get into too much detail about what you're going to do, and exactly what-- We're going to be here for a long, long time, because everybody's got all this. But it's good to know what you're thinking, in that respect.

Any more questions from this end of the table? (no response)

How about down here? (no response)

None?

Thank you very much, Mr. Dasaro.

MR. DASARO: Thank you very much for your time, Mr. Chairman.

SENATOR SCHLUTER: And the next candidate--

MS. WINTERS: Amy Handlin.

A M Y H A N D L I N: Is this for recording or for amplification? (referring to recording microphone)

MS. WINTERS: That one is for recording, the other one is amplification.

MS. HANDLIN: Okay.

Ladies and gentlemen of the Commission, no one is a stronger proponent than I of Clean Elections. That's why I lobbied for the inclusion of the 13th District in this pilot program and why Sam Thompson and I have spent the Summer knocking on doors and standing in front of stores to promote the program to voters in 95-degree heat.

Of course, I don't know yet whether all of us or any of us will qualify -- will succeed in collecting our 1,500 donations. But you need to know that in one important way, this program is already in serious jeopardy.

The community of political opinion leaders already views a voluntarily Clean candidate like me not as idealistic but as simply crazy. That's because of the program's procedural obstacles and Rube Goldberg-like complexity. And that does not bode well for the future of Clean Elections in New Jersey, regardless of this year's outcome. If the requirements of the program are widely perceived as unrealistic, impractical, shortsighted, and inherently unfair, then what in the world will motivate future candidates to opt into it?

Here are the programs key problems, backed up by a Summer's worth of arduous, nonstop Clean campaigning. Point one: The number of qualifying contributions might make sense if there were more time to collect them. But the current requirement is so daunting that it will scare off all but a handful of potential participants. Ideally, the number of 1,500 checks

should be reduced, so as to be more in line with the qualifying thresholds in other states with similar programs, such as 200 checks.

Alternatively, give candidates at least an extra month to qualify. One of the most formidable obstacles is the simple fact that, at least here in Monmouth County, voters are at the beach when clean candidates knock on their doors during July and August.

Another option is to provide a waiver process which would allow a candidate to make a case for qualifying with fewer than 1,500 checks. For example, a candidate might choose to raise the same \$20,000 in 800, \$25 donations; or 600, \$30 donations, plus 100, \$20 donations. Or some other reasonable combination of small, personal contributions that would accomplish the goal of eliminating big money and the corrupting influence of special interests without discouraging good candidates from opting into the process.

There is another approach, one that would be, in my opinion, the likeliest to produce large numbers of candidates who are not beholden to businesses, special interests, or big money of any kind. This would be to offer a shot at public financing to any candidate duly nominated by his or her party, without the special fund-raising obligation. The only requirement imposed on a candidate could be, under those circumstances, to declare his or her intent to be Clean before the primary election.

Point two: Political candidates, as well as small businesses, have demonstrated that it is possible to build strong support among ordinary people via the Web. But it is completely impractical to solicit checks on a Web site. Please consider lifting the program's prohibition on credit cards. I believe this would greatly expand accessibility in both

directions -- accessibility of the candidates to their supporters, and accessibility of potential supporters to the candidates.

Point three: Under current rules, if a Clean candidate is opposed by non-participating candidates or independent entities, the program provides for an enhanced level of public funds intended to enable the Clean candidate to respond. But if the Clean candidate's opponents launch a last-minute attack with, say, wheeling funds or moneys raised by a third party, there are currently no mechanisms to (a) immediately alert the Clean candidate, (b) stop the unclean expenditures, or (c) provide compensating support to the Clean campaign in time to make a difference. There is no point in wasting public dollars so a Clean candidate can defend himself the day after the election.

Point four: Speaking of wheeling, there is a long and sordid history in New Jersey of political bosses in one county putting the squeeze on their own contributors to finance a power grab in other counties. Wheeling should be outlawed, period -- not only as part of this program, but in all New Jersey elections.

Even as it now stands, the intent of the Clean Elections pilot program is admirable, but good intentions will not solve New Jersey's campaign finance problems, which are arguably the most entrenched and corrupting in the country. We need a Clean Elections program that will inspire participation by candidates, confidence among voters, and bipartisan progress toward true reform.

SENATOR SCHLUTER: Thank you very much, Ms. Handlin. You certainly have given a lot of thought to this, and you've come up with some very interesting observations. And we ask you, as I've told the others,

to be sure to save that list for after the election, and be able to expand on it, and to flesh it out in great detail. And some of the comment there, with respect to wheeling, is perhaps very appropriate, but that isn't going to come until after the candidates do qualify. And we're not in the phase yet.

Be that as it may, do--

We have questions starting with Mr. Tao.

MR. TAO: Thank you very much for your very substantive remarks. I have two questions, and I would ask that you reflect upon them, and when you do come back -- because we will invite you back -- that you provide your reaction to that.

First, with respect to your suggestion that any declared candidate be eligible, simply by registering for the program -- that they be eligible to receive the funds. Noting that there will obviously be a legislative concern about running up huge costs per district, in case there's a number of, like 10, different declared candidates in the district-- I would probably suspect that there would probably be a line drawn, in terms of those major party declared candidates, in that New Jersey has a process for a political party to be declared as a political party. You need to, I believe -- someone correct me -- have 10 percent of -- or receive 10 percent of the general election in the last General Assembly election, or something of that sort. And thereby, you established that you can have a committee system, of the county committee and local committee. If we do follow what your suggestion is, that simply you need any declaration, we may be faced with that situation when we are simply restricting the public financing to major party candidates.

My second thing I would like you to ask -- I ask you to reflect upon, is the logistical manner in which this Commission, or some type of administrative body -- it may even be ELEC -- would be able to determine and evaluate what constitutes a last-minute attack, and the process by which we would be able to make a reasoned judgement that would be fair and supportable. And then the mechanism by which we would be able to issue or provide additional funds to that candidate. Logistically, it's very difficult. And I would be delighted to hear any suggestions that you may have, in terms of creating a process that would enable the protection that you're looking for.

MS. HANDLIN: I'd be delighted to help you design such a process.

MR. TAO: Thank you.

SENATOR SCHLUTER: Thank you, Mr. Tao.

How about this end of the table?

Mr. DeLuca.

MR. DeLUCA: I want to be clear about something you said early on in your statement -- that the, sort of, professional politicians think that this is not going to work.

MS. HANDLIN: I said the political -- community of political opinion leaders.

MR. DeLUCA: Who's that?

MS. HANDLIN: All various people who are not involved -- who are not actually running, who are not actually knocking on doors, but who are finding opportunities to comment on it.

MR. DeLUCA: I guess where I'm trying-- I'm trying to understand it, because I want to see ELEC inform a recommendation to the Chairman.

And maybe I can ask you whether you think this is a good idea. What I was going to recommend is that the Commission, through the Chair, writes a letter to each of the municipal chairs and the county chairs, talking about the program and just saying how important this is for our political system.

And I'm just wondering if some of those are the political opinion makers that could be helped to be supportive of this, if we did write a letter like that.

MS. HANDLIN: I think it's a wonderful idea. I think we can't have too much education.

MR. DeLUCA: And maybe all the candidates might--

I didn't get a chance to ask you, but maybe your partner could answer that question.

Thank you.

SENATOR SCHLUTER: I think, Mr. DeLuca, we can take that suggestion and work on it while we're in between meetings. And we're going to have to do it real fast.

MR. DeLUCA: Real soon.

SENATOR SCHLUTER: We'll pick it up tomorrow.

MR. DeLUCA: If the Commission's supportive of that, I just think it's a good idea to sort of push the -- keep pushing the program out there.

SENATOR SCHLUTER: We want to be sure we get a good legal basis to do it. And I would be for that.

Of course, we're going to have to depend on OLS to do the -- do all the mailing and all that.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman, I actually do have something.

SENATOR SCHLUTER: Yes.

ASSEMBLYWOMAN GREENSTEIN: A question that I actually have for you, the Commission-- And it was very interesting testimony that was just given.

Is it our intention to definitely wait, in spite of all the things that we're hearing -- to definitely wait until after the election to try to make any changes? Or is it possible that some changes need to be made now? And if so, do we even think that could be done? I'm wondering what others are thinking about that.

SENATOR SCHLUTER: Assemblywoman, I will-- We have other legislators on this Commission. And it's my view that -- in talking to not only counsel in OLS, as well as the Election Law Enforcement Commission -- that we are constrained to go by what the legislation said and what the Election Law Enforcement Commission promulgated from that in -- by regulation.

I don't think there's any chance of the Legislature reconvening to do anything between now-- Of course, you might have a better handle on that than I would.

ASSEMBLYWOMAN GREENSTEIN: I haven't heard that there's a good chance of it, but it's an interesting thought. Certainly, it would be difficult.

SENATOR SCHLUTER: I might ask Assemblyman Baroni if he might comment on that because of his-- He's an attorney, and he's been operating in election law for a long time.

Would you care to comment on that?

ASSEMBLYMAN BARONI: Well, I think the language that-- The sponsors of the legislation wrote it in such a way that constrained this Commission, or even ELEC for that matter, for doing any changes to the legislation. I wish that were not the case.

But I believe the language of the statute is fairly mandatory in the sense that 1,500 is 1,500. And one of the things that we talked about very early on -- in maybe the first Commission meeting -- was whether or not -- I remember asking the Chairman of ELEC, Fred Herrmann -- or the Executive Director of ELEC. And he, if I remember correctly -- we can certainly look back -- indicated it was the writing of the legislation itself that made it compulsory on the candidates and didn't give them much option.

I think the only thing that we could do, on an emergent basis, would be to call on the Acting Governor to call the Legislature back into session, specifically with the intent to change the requirement of the 1,500 or delay the September 7 deadline, which is also, I believe, mandatory in the statute. So unless the Acting Governor were to call the Legislature back into session-- Although I do hear tale in the wind that we may go back at some point in September for -- but certainly not before September 7.

I mean, I'd be willing to show up. I think what we have done to these candidates is handcuff them in such a way that they can't campaign on anything but Clean Elections, while at the same time setting a number of 1,500 contributions that if any candidate hits the 1,500 -- never mind the 2,000 as Mr. Dasaro pointed out, the 2,000 contributions each -- it would be a miracle, quite frankly, if that were to occur. And great kudos to any candidate that achieves it -- candidates that achieve it.

But unless the Legislature gets called back into session, and we go and -- literally go back in and pass one bill to lower this 1,500 number, I think our candidates in both the 6th and 13 Districts are going to be saddled by this statutory requirement.

SENATOR SCHLUTER: I think the prospects of getting the Legislature back into session are nil at this point, as meritorious as it might seem.

But I would advise everybody to keep in mind that even though the hurdle might be difficult, there is a great exercise going on out there of people participating and bringing to the public this program, which is to get rid of bad money in politics. And that is succeeding. And if that continues to succeed, and the motive of this is considered meritorious, that-- Yes, it's important that candidates do qualify. But even if they don't, this is a work in progress. And we can make a lot better things come out of it, no matter what the consequences of meeting the minimum. It's not, by any means, a lost cause, if certain people don't meet the threshold.

ASSEMBLYWOMAN MURPHY: Excuse me, Senator.

SENATOR SCHLUTER: Yes.

ASSEMBLYWOMAN MURPHY: If I may make a statement--

If none of the candidates who are running in these two districts can make this go, then we can say that the operation was a success. All the patients died. (laughter) And the public will not be served well by that one little bit, because no candidate and no legislator will vote to do this again. Six people in this district, and four people in the other district, will have had a whole change of life that was a noble experiment. But somehow, the Legislature must be brought to take into consideration the seriousness of this, in terms of this election.

And I know that the timing is probably because of printing of ballots. Probably that is part of the September 7 deadline. But I really would like to see--

ASSEMBLYMAN BARONI: This is New Jersey, you can change the ballot up until-- (laughter)

ASSEMBLYWOMAN MURPHY: Well, they did-- Yes, they do that, but only with one candidate, usually.

But I would like to see us speak to somebody in the Legislature -- the Speaker, perhaps, or someone -- because this is more than serious. This is the reputation of the State, based on something that is noble but was done without public support and without public knowledge. It was done by the Legislature. And the public did not become emotionally involved or intellectually involved. And that's too bad. And the citizens' groups, like yourselves, are working very hard to overcome that.

But everybody in the world is not going to read all the mail you send, is not going to know what's going on, and is not going to react. We need a public participation. And to date it is missing.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman.

SENATOR SCHLUTER: If I can comment on that -- and we'll entertain other comments up here, because we've started something.

I would respectfully disagree, Ms. Murphy, that the issue is a failure if nobody meets it, because you said nobody is going to go back in and do the same thing again. But that's our job to change it so that it will be attractive enough for people. We build on our mistakes. And it would be attractive enough for people to reconsider it -- and to put it out in a better form where we would get assured participation.

ASSEMBLYWOMAN MURPHY: And I don't disagree with you. I'm speaking of the people who worked so hard this year. To them, who have -- some have been in the Assembly, some have not been in the Assembly -- to have a defeat, in essence, at this stage, with such a small thing, is really a shame to do to anyone's reputation--

SENATOR SCHLUTER: Oh, yes.

ASSEMBLYWOMAN MURPHY: --and to their energy, and to the fact that they've suddenly seen an opportunity to go, and to be elected, and to represent the people they care about -- and then to have missed it because of rules and regulations that were, perhaps, not extensive enough, or demanded more than we understood. Because none of us have done it. And none of the legislators who are sitting today have done this, either. So they don't know what the experiences--

I do agree with the Assemblywoman.

SENATOR SCHLUTER: I think that's a good point.

We had a comment down here from--

We have a couple of comments.

Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman, I actually want to echo just what you said. I do not think at all -- I do want to make this clear -- that anybody will be seen as a failure at the end of this, even if nobody qualifies, and it would affect anybody's reputation. Because the whole purpose of this Commission is to work out the bugs.

You folks are the unfortunate first ones. And the unfortunate first ones always have the hardest time. So I don't think there's anybody that would think that this is easy, or that there aren't some problems that have to be worked out. And that's what this Commission is supposed to do. That's our charge. I don't think it affects anyone's-- I'm sure it makes the experience harder, but I don't think it affects anybody's reputation.

The reason I brought up whether the Assembly could do something -- and I totally agree with Assemblyman Baroni -- that I think it's something that would have to be done by the Legislature. If we heard that things were so bad, it's at least something we can broach and find out, is there some change we can make here, at this point.

The interesting thing is, at the hearing the other day, in spite of some of the-- I was actually surprised by this. In spite of some of the criticisms, which were very similar to what we're hearing from all of you, when we asked a question like this, "Do we need to make some changes now," to a person -- both Democrats and Republican, if I recall correctly -- seemed to say, "No. We think we should go through this process. The changes should come later when we see how this all works." So it was sort of interesting that that group did not think changes should be made now but thought it should be made after the election. That's how I took what they said.

And chances are, as the Chairman said, that is what's going to happen. I think it's unlikely we can get any changes made now. But I think it would be an interesting thing to at least broach and check out.

SENATOR SCHLUTER: Mr. DeLuca.

MR. DeLUCA: Yes. Two points. One on the public participation-- I don't think for a moment that the public, in this state, is confused about the corrupting influence of money in politics. I think people want to see changes. People have been talking about changes.

I think to say that in other states there was greater public participation-- I think we have to look at the structure. Other states have initiatives which we don't. So people are not able, in this state, to vote to promote these kinds of legislative solutions, because we don't have that system. We have a representative government. And I think the -- as we said in our first meeting, the Legislature should be applauded for taking this action. And we will get there.

Second point: There's 20 days left until September 7. We seem to be going to a three-act play, leaving after the second act, and writing the review. Let's see what happens. I haven't heard a candidate come up yet, saying, "This is too hard. We're giving up tonight." Everyone is saying they're going to go back and try to make this work. So let's reserve all of the concerns about, "Are we too high, too low?" Let's try to figure out how to make this work. How can we get out there and talk to the press, and talk to the political leaders, the opinion makers, to say how important this is and to say, "Let's make a 20-day push; AARP is on board; Citizen Action is on board." We can make this work, and we've got 20 days to do it.

SENATOR SCHLUTER: Thank you, Mr. DeLuca.

Mr. Baroni.

ASSEMBLYMAN BARONI: Caesar didn't die in Act V.

I would suggest that, conceivably, the only other way you could make a change to this, to go back--

And I think, Mrs. Greenstein, you mentioned this as well.

Outside-- And Senator Schluter asked about an Executive Order. And I think we know that an Executive Order can't overturn a statute. We just saw this. The Appellate Division just ruled on it the other day in the needle exchange.

The only other thing I could do is -- could say is that ELEC could act, and someone could challenge ELEC's action as being outside the statute. But I think the statute is tight as a drum on this. And it was the Legislature that said, "We're going to create a pilot program." The Legislature said 1,500 contributions per candidate by a certain deadline. The Legislature set the certain number of contribution amounts. And I just don't see a legal way around. I don't see it, unless-- I think the people who could challenge this would be the Independent candidates, saying that the requirement of 1,500 is too high for an Independent candidate.

UNIDENTIFIED SPEAKER FROM AUDIENCE: It's too high for an Independent candidate. (laughter)

ASSEMBLYMAN BARONI: Find yourself a good election lawyer, sir, and go for it. Can't be me.

SENATOR SCHLUTER: We're getting testimony. We want to move on. We've got a number of other people to hear from.

Go ahead, Ms. Handlin.

MS. HANDLIN: If I could just respond, if I might, Mr. Chairman, respectfully to a comment that you had made. You said that you believed--

First of all, I think everyone agrees that if the Legislature could be called back into session, this could be addressed. And I believe, Mr. Chairman, your comment was that the chances of that happening were nil. May I respectfully say this: If we will it, it can happen. Because we are, here, the people and the representatives of the people. And if that call upon the legislative leadership is made, and they don't respond, then shame on them. And they have a good deal to answer for. Because either we believe that campaign finance reform is a priority for the State of New Jersey, or we don't. It's a simple choice.

SENATOR SCHLUTER: Those are well-spoken words. And with the approval of the Commission members, I will be happy to broach this tomorrow with legislative leaders. Is that--

ASSEMBLYWOMAN MURPHY: Thank you.

MR. DeLUCA: Mr. Chairman, what are we asking them to go in and do?

SENATOR SCHLUTER: To consider a special session.

And, incidentally, when I said the chances are nil, I was trying to be practical. There's a group of people out there, some among the audience here, who tried to get a special session after July 1 on a whole other issue, which was very, very important. And it fell on -- completely on deaf ears because of the institutional inertia that you have there. And I don't mean to get into another subject.

ASSEMBLYMAN BARONI: We're going to be here all night, Bill. (laughter)

SENATOR SCHLUTER: Go ahead, Mr. DeLuca.

MR. DeLUCA: Well, I just don't know what we would ask them to come into a special session and do. Are we asking them to change 1,000 to 900? Are we asking them to say September 11 to September 9? We haven't had any of that kind of conversation.

SENATOR SCHLUTER: I think we might say that, "From the testimony we've been receiving, this is a difficult hurdle. And there's no way to change that hurdle and the standards except by legislation. And we want you to know that everybody's trying very, very hard. We want the program to succeed. The participants want the program to succeed. And is there any possibility of this?"

ASSEMBLYMAN BARONI: It's fair to say, I voted for the program. Mrs. Greenstein wrote the legislation.

Would you support changing this information from 1,500 to a lower number?

ASSEMBLYWOMAN GREENSTEIN: I would certainly support having the discussion in the Legislature. If we got together, I would certainly support it, based on what we're hearing. I'd like to hear from anyone who thinks that isn't a good idea. But we've heard some testimony that indicates to us that the number is really very difficult for people to raise.

SENATOR SCHLUTER: I might comment that we were going to, as a Commission, have a meeting on the 10th of August. And it was apparent, in mid-July, that there was this difficulty. And we, proactively,

made a determination to have two meetings in the districts to try and bring more attention to it. And when we did that, we knew full well that this particular issue would come up. But we did it to try and bring more attention to it to, perhaps, help the candidates by having a greater understanding, a greater publicity on it.

So this is not a subject that just, all of a sudden, has appeared.

Thank you, Ms. Handlin.

MS. HANDLIN: Thank you.

SENATOR SCHLUTER: I hope we can proceed with all possible speed, because we have passed the 9:00--

Would you pick another?

MS. WINTERS: Mike Hall, Green Party.

MIKE HALL: Thank you for the opportunity to testify.

I'll try to give you a third party candidate's perspective on this.

First of all, I'm proud to be part of this, regardless of the outcome. I think it's a noble cause. So I just want to make a few quick points.

First of all, the main point, as we've heard, is this threshold. Maine, as I understand, has 25 contributions of \$5, and that's it. Two hundred fifty dollars you have to raise, and you're qualified. New Jersey is 80 times higher. I don't understand the reason for that. And I think if we're really trying to make an inclusive system to get more candidates involved, to get more views out there during the discussions and debates of the campaigns, and more citizens involved in the process, we want more candidates, and we want Clean candidates.

So my concern is that this is unreasonably high, especially for third party candidates. I think Citizen Action mentioned -- and maybe some others -- that the way to do it is to mobilize the county machine. We don't have a county machine. So, to us, this is just one way of excluding third parties from this process.

A couple of other points-- As I understand it, if the Green Party doesn't reach this threshold, then other candidates who are certified take the Green Party allocation that we would have otherwise received. I don't know where that came from.

The third point is that if the Green Party were to make this threshold, we are only entitled to half the funding available to other candidates. How did that come about? That makes no sense to me. It's not fair.

And my fourth point is that -- is with respect to the voter guide. I think that's an excellent idea. I think the voter guide should be made available from all ballot-qualified candidates. And it should be distributed as part of the ballot -- sample ballot -- so that all citizens can see where the voter -- where the candidates stand on the issues.

It takes 100 signatures for a third party candidate to get on the ballot. I don't understand why it takes 10 times that to become a Clean candidate -- 15 times, or a magnitude higher.

I look forward to providing more comprehensive comments at the conclusion of the pilot. But those are my comments for now.

SENATOR SCHLUTER: Thank you, Mr. Hall. It was very good.

Members of the Commission?

ASSEMBLYWOMAN MURPHY: Very good.

SENATOR SCHLUTER: Members of the Commission? (no response)

Thank you very much.

MR. HALL: Thank you.

MS. WINTERS: Assemblyman Thompson.

MS. HANDLIN: He stepped out.

MS. WINTERS: He'll be back.

Greg Orr, Green Party.

MR. ORR: I want to say thank you very much for holding this public hearing in our backyard. It's really nice not to have to go to Trenton or New Brunswick.

I want to say that I know people from the Green Party who have been pushing for campaign finance reform for the last 10 years. And when we-- When I went to the *Asbury Park Press's* candidates' forum on ethics reform, our main push was to move the debate to campaign finance reform.

For us, the most important issue in the campaign is closing the Oyster Creek Nuclear Power Plant, because if that blows, then everything else is irrelevant.

Our number two issue is--

SENATOR SCHLUTER: Sir, we've got to stick on this. We can't get into other issues in the campaign or else we'll be all over the place.

MR. ORR: Sure.

Our number two issue is campaign finance reform.

We had a Green Party State Assemblyman named Matt Ahearn. He was elected as a Democrat, and he was not interested in following the instructions of the party leadership, so he joined the Green Party. And I believe that Matt introduced the original bill in 2002.

And I also want to say, Bill, thank you for all your work. You are the subject of positive conversation at our Green Party executive counsel meetings on a monthly basis. Because we think that this issue is so important.

And I have to say that I'm a little disappointed that Citizen Action and Public Campaign were not more critical of the specifics of the bill. But I appreciate the fact that you have been.

I basically came with a list of questions. Mike and I have been trying to decide whether this thing is worth doing or not, or whether it's just a complete waste of time. And I say that with all due respect.

Amy addressed the wheeling. My understanding is that a candidate who has qualified as a Clean candidate can decide, at any point in their campaign, to disqualify themselves and then accept contributions from, say, a county party. Is that correct?

SENATOR SCHLUTER: No, that's not correct. If they have qualified as a-- If they've been certified, they have to get this Commission's permission, as I understand it, to be -- to withdraw.

MR. ORR: To decertify, okay.

Does any part of the legislation address the fact that individuals or corporations can donate \$37,500 to their county campaign committee? Is there any--

SENATOR SCHLUTER: I'm sure that-- We're getting a little bit far field, as far as this program, because that has nothing to do with this program. That is a contribution to support parties. But parties cannot contribute either money or in-kind services to the certified candidates.

MR. ORR: Okay.

Can volunteers from out-of-district collect contributions? Because I think we have four or five registered Greens in the 13th District who are active members.

SENATOR SCHLUTER: I don't see why not, as long as they don't violate the in-kind contribution.

ASSEMBLYMAN BARONI: The only address requirements-- The only residency requirements in the statute involve the donor and, obviously, the candidate, because you couldn't be a candidate if-- But I don't know of any language specific to collection of contributions by volunteers.

MR. ORR: Okay, because that is a critical issue for us.

ASSEMBLYMAN BARONI: No, they couldn't-- A volunteer couldn't expend any personal resources to collect those funds, because that would be an in-kind contribution. They couldn't do that. But a pure volunteer, doing nothing but volunteering to knock on-- I mean--

This is why ELEC has their advisory opinion process.

MR. ORR: Okay.

ASSEMBLYMAN BARONI: And I would suggest, by the way, reading -- because they've done a bunch of them on this -- on these questions.

MR. ORR: Okay.

And I also want to say, the idea of filling out an individual piece of paper for every donor, we think, is ridiculous. We're going to come up with a form that will have room for 50 people to sign it. And if guys want to throw ours out, then so be it.

ASSEMBLYMAN BARONI: I can't let you just say that and not, at least, try and provide some helpful advice. It's not going to be us that are going to throw it out. It's going to be ELEC that's going to throw it out.

MR. ORR: Okay.

ASSEMBLYMAN BARONI: And I wouldn't want to see that.

I mean, if you work so hard, and you get these 3,000 contributions, and you really go out and you do it, and you do it on the wrong form-- I don't disagree with you about the separate pieces of paper. But that's, at least for now, what ELEC has decided. I'm not saying I agree with it. But if you're going to do this, comply with that paperwork requirement, because just like a contribution for any other amount of money -- has to be on a separate form, no matter Clean Elections or otherwise. I don't want to see you fail, even though you really worked very hard to succeed.

SENATOR SCHLUTER: Or rely on an appeal to some court to overturn the regulation. The chances of that would be very slim and would not be worth, in my opinion, taking that chance.

MR. ORR: And I also want to say that I think it's instructive that both Amy and Mike have said that, as major party candidates, they see the threshold onerous, even having a county political organization that can back them in this. And I would be kind of surprised if the Monmouth

County Democratic and Republican Committees are completely disinterested in what's happening in the 13th District. So you can imagine how we feel, having a very limited number of actual members at this point.

And I just want to say, in general terms, I think by the year 2007, oil is going to be over a hundred dollars a barrel, natural gas is going to go through the roof, electric rates are going with it, the Bank of China may not be buying U.S. Treasury securities. And in 2007, there's going to be a very different world from the world we're living in right now. So the idea that we have two districts this year, and four districts in '07, I think is absurd. And I would certainly back Amy's request and Mike's that we do this thing statewide and really do it seriously.

That's it. Thank you very much.

SENATOR SCHLUTER: Thank you very much.

Any comments? (no response)

Thank you, Mr. Orr.

Now we'll get Mr. Thompson, who is here.

A S S E M B L Y M A N S A M U E L D. T H O M P S O N: Thank you, Senator.

Let me first say that I am -- very much agree with the intent behind this legislation, that is to get the influence of big money out of politics and to, thereby, increase the influence of our average citizen.

However, I note in the preamble of the bill, one part there that this bill certainly does not do -- this program. And it states that the establishment of the Pilot Project, among other things, would free those candidates from the chore of raising money, thus allowing them more time to conduct their official duties and communicate with their constituents. It

sure doesn't free the candidates from raising money and give them more time to spend with the constituents, or in their office, etc. Because for the past five or six weeks, that has clearly taken up the majority of my time.

My running mate and I have worked very actively seeking to fulfill the requirements of this program. And, in fact, I've probably got a bigger backlog of work in my office for constituents than I have ever had because of the amount of time that I've devoted to this.

The requirements to become a qualifying candidate are unrealistic and, perhaps, impossible to attain, in my estimation. I can't say for certain that nobody will attain them, but if they do, I'll be very, very much surprised, based upon what we've experienced thus far.

Marilyn Askin, AARP, indicated she's had great response in the mailings that she has done out to the members of the AARP. I would be surprised, if you went out to the general public and asked, "Would you support getting the influence of big money out of politics," if you didn't get more than 80 percent saying yes. If you said, "Do you want Clean Elections," I'd expect 80 percent to say yes. But now you turn around and say, "Okay, give me a check." (laughter) The numbers are going to go down substantially.

As for Phyllis Salowe-Kaye, the-- I'm really astounded at the success rate that your canvassers have had. And if we had more seed money, I'd like to hire them to do this work for me, because that's not been our experience, as we went door-to-door seeking these donations.

Many of the statutory and regulatory requirements are onerous and unnecessarily burdensome on both donors and the candidates. The result is, there is a great deal of confusion among the donors on exactly how

to participate if they want to, exactly how to make out their checks and such. The seed money limits are too low for everything that must be done in this time period.

It was said, when this legislation was enacted, that it was based on the clean election programs in Arizona and Maine. I spoke with people with the Arizona Clean Elections Commission. They indicate their requirements are that candidates must collect 210 \$5 checks over a period of eight months, versus 66 days we have to collect 1,500 contributions, including 500 of \$30.

We debated this factor on the floor when the bill was up. And the response of the sponsors was, "Well, it's in proportion to the number of people represented in the legislative district here in New Jersey, versus the number in a legislative district in Arizona." That may well be. But when you're talking about an individual candidate going out there, trying to solicit these donations, the amount of time to collect 210 donations in New Jersey would be comparable to the amount of time in Arizona. The amount of time to collect 1,500 donations is going to be seven to eight times as much as it is out in Arizona. And, again, we're expected to do this in 66 days where, out there, they have eight months to get 210.

Thus, clearly in my estimation, there will have to be a change in the number of donations that are required to qualify. Yes, you have to have some threshold in order to be sure there is some real support out there. I mean, the State could not afford to support just everybody that simply raises their hand and says, "I want to be a candidate this year." You'd have 75 candidates in every district. And 75 times \$59,000 -- that would be a lot of money. So, yes, there has to be some kind of threshold that has to be

set. But the threshold that is set here is far too high. So I would urge you to, in your recommendations, consider recommending that this threshold be changed.

There's been some discussion about, "Well, what about the possibility of changing the time frame?" Well, the only way you can change the time frame, and have a candidate really have a campaign, is to stretch it out in the front. But you can't stretch it out in the front very far because, of course, you have your primary date. So you can't make a candidate before the primary.

If you stretched it out the other way-- Well, right now, we're saying the deadline is September 7. Okay. We agreed that we will participate in this. We're going out, we're doing everything we can to raise the money, and come September 7 or the next morning, September 8, we fell short. Maybe one of us-- Maybe my running mate got her 1,500 checks plus a little bit, and I only had 1,495. She doesn't qualify. We both had to get it. So we wake up on September 8, we have no money. The campaign has started. Come Labor Day, you're in the campaign. And you, in fact, have to do your planning even before Labor Day. You cannot start on September 8 and say, "I have no money. Now we've got to go raise money and have a campaign." So you can't extend that deadline out further and say, "Okay. You can have until the end of September to raise the money," because you still might wake up on October 1, and you don't have any money. So, to me, the realistic thing is to consider reducing the number of contributions that you have to get.

Looking again at the number of contributions that you have to have-- And how can you raise it? You might utilize a mail campaign, or

you might utilize a door-to-door campaign, telephones, etc. But if you use a mail campaign-- I think most people that are in the mail-order business will tell you that a 5 percent response to a general mailing is a pretty high response. So if you were going to get a 5- And that's not necessarily asking for money. But if you've got a 5 percent return on money -- on a cold mailing, then you're doing very well. And to get 1,500, with only 5 percent returns, that means you have to make a mailing of 30,000 pieces to get 1,500 positive responses.

Thirty thousand pieces-- You can figure it costs you about \$.45 a piece for the postage, the printing, and other things. So you're speaking of \$13,500 just to make that mailing. And, of course, we've got \$3,000 in seed money to work with. So that's out of the question. You cannot do it by mail. You can make a limited number of mailings, which we did.

Door knocking-- Now, our success rate at door knocking -- and we have tried door knocking -- is far below what was suggested there by New Jersey Citizen Action. I don't know whether they're going door-to-door-to-door, or whether they have select lists, or maybe they just have something better to sell than what we have. But my experience is that we'd be lucky to discuss, with 20 households in an evening, the program. Now, this program has not been publicized. Right now, AARP is doing a great job with their members, Citizen Action with theirs. But that's starting now. We've had 66 days. We've got 20 days left. And still, even their membership is limited. It's not the whole population out there. The population, as a whole, doesn't know there's Clean Elections out there.

Consequently, when we knock on the door and somebody answers, we've got to give them a complete explanation of what this thing is

about. That's not something you can do in 60 seconds. In five minutes, you can give them a very brief overview. And if you're successful at convincing them that, yes, this is something they should do, they say, "Okay." Now you tell them, "But you've got to go get your checkbook." So they take some time to go get the checkbook. They bring it back. They've got to write the check. And now we've got to have a receipt for them. "Give me your name, your address, your occupation, your employer, your employer's address." If you've made it by that person in 10 minutes, you were doing good, because, usually, if you've got their interest, they're not going to stop with Clean campaigns. They're going to want to talk to you about their property taxes, and they're going to want to talk to you about health care, prescription care, etc.

So as I say, you're lucky if you're able to talk to 20 households in an evening, because many people are not home, don't answer the door, one thing or the other. And you can't knock on doors after 9:00. Out of those 20 households, you may well get four or five contributions. So if you did this every night for the 66 days that you had available, you would only come up with 330 checks. So you can't do it by just door-knocking.

Supportive organizations have asked ELEC if they could request members to donate \$5 or \$30. The answer has basically been no. Again, any of that kind of stuff you can do would have to be considered in-kind contributions. In-kind contributions are not permitted. So, therefore, most of the supportive organizations that would like to help have been essentially told no by ELEC.

And for those that have been able to do something, such as Citizen Action or AARP, they place very stringent regulations on what they

can do. Some organizations have told me that they said they couldn't even list the candidates' names and addresses, while others apparently seem to get it. I'm not sure whether different groups are getting conflicting information or what. But I think it is essential that we be able to get assistance from supportive organizations out there that want to be able to help us.

When we speak of this as in-kind contributions, remember two things about it. One, many of these organizations which do endorse candidates-- They're able to send out letters saying, "We endorse John Doe. Please go out and vote for him." And that's not considered an in-kind contribution. I've been endorsed by many organizations and never been told we have to list their endorsement as an in-kind contribution. Additionally, they are not really telling them to give me a check. They're telling them to give the Clean Election Fund a check. So I'm not getting any money. Am I getting an in-kind contribution?

This is something we spoke of--

Yes, we're not going to get the Legislature back into special session. And we can't amend the law, as it stands right now. But these are interpretations. This is their interpretation on who can do what. That can be revisited right now. That does not have to wait for legislation. And, again, I think if these people succeed, that needs to be available to the candidates.

We previously stated that there are onerous and unnecessary burdens here. If you find a couple that wants to donate to you and your running mate, then the couple has to write four checks -- or both husband

and wife have to sign both checks, and they have to fill out four receipt forms.

Now, I spoke of the time that you're there. Writing four checks, and writing four receipt forms-- The receipt forms-- I can understand requiring that you get the donors name and address to substantiate where the money came from. But the requirement -- and again, this is in the statute, I recognize. And it's something I would recommend you revisit in your recommendations. For the statute to say you have to get the occupation, you have to get the employer, the employer's address for somebody to give you \$5-- Is the intent of this that they're thinking that through a \$5 contribution the person is getting undue influence on you? I mean, what information are we really going to get from the fact that this person gave you \$5, works for A&P, or God knows who? If you don't have to get that information, then really the check that has an address on it -- if it doesn't have an address, that's different -- it provides all the information that ELEC really needs. It has the name of the person, it has their address, and of course you can check their voter registration, which has to be done. But, to me, I cannot see the sense of requiring occupation, employer, employer address for even \$30 contributions.

We're going out to the public here to show public support. We're not talking big donors.

SENATOR SCHLUTER: Assemblyman, can you try to wrap it up, because a lot of this has-- You made good points.

ASSEMBLYMAN THOMPSON: I'm getting pretty close.

SENATOR SCHLUTER: You made good points, but a lot of it has--

ASSEMBLYMAN THOMPSON: I'm getting pretty close.

Not only is this receipt a time-consuming waste, but a process for donors and candidates -- but also requires an inordinate time of our treasurers. My treasurer-- When we get in as many as 40 checks, it takes them a full day to go through all the entries, and the checking of these things, and etc., that is currently required, because they have to take all that information, they have to put it on this form as to -- ELEC has designed, etc. And remember, treasurers are volunteers too. So it's very onerous on them.

Despite our best efforts, the donors are very confused. Examples of mistakes they're making: We have to return at least 25 percent of the donations that we get. I spoke with another candidate that's here tonight. He said they're having to return about 50 percent of their checks. Some make them out to the individual instead of the Clean Election Fund, despite our best efforts. They make checks out for amounts other than \$5 or \$30. I had one that wanted to give my running mate \$5, and they liked me better. They sent me a check for \$10. I have to send it back. They make one check out for both Amy and Sam. Thus, I got a \$5 check, and they say this is for both Amy and Sam. The person signing the check is not the same person on the qualifying contribution receipt. The contributor leaves off the employment occupation information. The contributor address is different on the check and on the qualifying receipt. The contributor name is different on the check and on the qualifying contribution receipt. We got one check-- Yesterday I was at one function where Doug Forrester was there, too. And we appealed for checks. So I got a check for Doug Forrester.

ASSEMBLYMAN BARONI: Sam, he doesn't need it.
(laughter)

ASSEMBLYMAN THOMPSON: I got another \$5 check made out for Amy, Sam, and Doug.

Then some people fail to enclose the check; and they make out the check for \$10 instead of \$5.

I do have two last points that I did want to make.

Pardon me, just a moment.

SENATOR SCHLUTER: If you can make them quickly. We understand all the--

ASSEMBLYMAN THOMPSON: The last thing was about the seed money. I said it's insufficient. I told you about the mailing.

We have tried knocking on doors. We have tried standing outside of supermarkets. We have contacted all the county committeemen and county committee people in our district and asked them to go out. We've contacted the municipal chairman. We have made telephone calls ourselves -- multiple calls, and we'll make many more. There's not a stone we have failed to turn over. But still, we're where we are.

The seed money, as I said, in terms of the amount of mailing you can do is very limited with \$3,000. But in addition to the cost for mailing and other things like that, there isn't even enough money there to print a little brochure -- a palm card or something -- to give the people to tell them why they should give us \$5. I mean, I'm not just talking about Clean Elections. This is a little bit about us. We don't have enough money, in \$3,000, to print those and use the money to raise campaign funds.

We get all these invitations to all these dinners and functions all over, as you well know -- each of them saying, "Buy a ticket." You can't handle this on a \$3,000 budget, and go out and do the work that you need to do on this. So you should reconsider that, I would say.

Again, the intent here is good. It's a program that, I think, can be great for the state. But as you are making your considerations for your recommendations for the future, I think this thing needs major, major revisions, otherwise it is going to be-- As Assemblywoman Murphy said, you're going to find nobody out there has qualified. And who is going to want to participate under the circumstances?

SENATOR SCHLUTER: Thank you, Assemblyman.

Questions?

Mr. Baroni has a brief question.

ASSEMBLYMAN BARONI: I want to focus on the comment you had made that I had never thought of, which-- The comment you made is that you have dinner invitations -- the Kiwanis Club Policeman of the Year, the Hibernians, whatever. Is your interpretation of ELEC's regulations on seed money that you can't expend--

ASSEMBLYMAN THOMPSON: Oh, we can spend it for that. but I'm saying that there's not enough money to spend on trying to raise these contributions, and buy those tickets, and put out a campaign brochure, or anything else.

ASSEMBLYMAN BARONI: I would proffer--

And, Linda, maybe you disagree with me.

But I would proffer you should ask the Election Law Enforcement Commission for an advisory opinion as to whether--

ASSEMBLYMAN THOMPSON: We can spend seed money on that. I was not saying we couldn't. I was simply saying that the total dollars you have is not enough to cover that -- cover the expenses related to trying to raise these 1,500 contributions and all the other things you need to do in this two-month campaign period you have here.

SENATOR SCHLUTER: Or if the invitations that come for an event that's after September 7, and you qualify, and you get the money in, then you might be able to buy the ticket.

ASSEMBLYMAN THOMPSON: Yes, but there's a lot of invitations that come before -- I mean, during this. We've got a two-month period here. And, in fact, a number of the events are taking place afterwards, but you've got to buy the tickets before.

One last thing I did want to say is the fact that the money that we turn in-- If we fail to qualify, the State keeps that money. We've spent a tremendous amount of effort -- others have, too -- to raise this money. And, in fact, most of the people donating are donating because they want to help Sam Thompson or the candidate. Come September 7, we have nothing, we are penalized for having participated.

Now, I raised this with legal counsel at ELEC. They said, "Well, it says you turn it in, but it doesn't say that you can get it back." Well, it doesn't say you can't get it back either. This is their interpretation of it. We raised the money, we worked our tails off to get it, and they say you don't get any.

SENATOR SCHLUTER: You can't get it back.

Did you have a question, Ms. Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

I just wanted to ask, briefly, what were the-- Before, you were sort of differentiating between changes that you thought could be made by ELEC right now, versus ones that would have to be legislatively changed. What were some of those?

ASSEMBLYMAN THOMPSON: Their interpretation of what the statute says, as opposed to specificity. For example, the subject I just raised here-- It does not say the money cannot be returned to the candidates. It doesn't say it can either.

ASSEMBLYWOMAN GREENSTEIN: Are they willing to make those interpretations?

ASSEMBLYMAN THOMPSON: What's that?

ASSEMBLYWOMAN GREENSTEIN: Are they willing -- is ELEC willing to?

ASSEMBLYMAN THOMPSON: They made their interpretation. Their interpretation was, "No, you can't get the money back, because it doesn't say you can."

ASSEMBLYWOMAN GREENSTEIN: Have you found any of their interpretations to be permissive or very strict?

ASSEMBLYMAN THOMPSON: Very strict.

ASSEMBLYWOMAN GREENSTEIN: They're erring on the side of caution on not going against the legislation.

ASSEMBLYMAN THOMPSON: And, again, what you can't-- Organizations that want to assist -- what they can and cannot do. This is interpretative. It's not specified in the law.

ASSEMBLYWOMAN GREENSTEIN: I think you've got a very hard job there. It's been very enlightening to hear this.

MR. DeLUCA: Just on the-- I want to be clear about the tickets. The law doesn't say you can't use your own money.

ASSEMBLYMAN THOMPSON: Oh, yes it does.

SENATOR SCHLUTER: Oh, yes.

MR. DeLUCA: The law says you cannot buy a ticket with your own money?

ASSEMBLYMAN THOMPSON: This is considered a political action you're doing. And these are things that we always buy out of our campaign accounts and so on. If you're putting your money in there-- Well, unless you're putting it in as seed money -- and you're restricted to \$200 in seed money.

SENATOR SCHLUTER: Two hundred dollars is seed money, and that's it.

ASSEMBLYMAN THOMPSON: You can't spend additional money to buy tickets.

MR. DeLUCA: You can't buy a ticket to go to an event if you're not asking for money? Say you're going to an event, and you're not raising any money at all.

ASSEMBLYMAN THOMPSON: No, this is considered campaigning, going to events. That's campaigning. I mean, anybody here want to say that if you -- we buy these tickets, we're not campaigning when we go to them.

ASSEMBLYMAN BARONI: Sam, are you saying--

And, Mr. DeLuca, I just thought--

Are you saying that you, Sam Thompson, not candidate -- Friends of Sam Thompson -- your previous election (indiscernible) -- your

personal resources. Are you arguing that if Sam Thompson, personal -- writes a personal check to the Kiwanis Club to cover your dinner ticket to -- the charitable contribution you'd be making to the Kiwanis Club-- Is your argument that that would count against seed?

ASSEMBLYMAN THOMPSON: Well, first of all, buying a ticket to the dinner of Kiwanis is not necessarily a charitable contribution. But I am saying that the way ELEC has interpreted things in the past--

If you don't say that you're a candidate, and you're running, and you go to these functions -- you're not a member of Kiwanis, you're going because they invited you. They invited you because you're an Assemblyman, not because you're Sam Thompson.

And if you're saying ELEC would not consider that a political expenditure, then there's an awful lot of things we're reporting to ELEC that shouldn't be there. I say ELEC would see that as campaigning. If you're attending functions that you are receiving -- being invited to as a legislator, they would see that as -- or as a candidate -- they would see that as a campaign expenditure.

SENATOR SCHLUTER: This is--

ASSEMBLYMAN BARONI: Respectfully, Sam, how about you and I spend a couple of minutes, because I think you're not right on that.

SENATOR SCHLUTER: You made your points on the basic issue. And they're good points, and we accept them. But this, I think, is a little bit speculative.

More questions of Assemblyman Thompson?

ASSEMBLYMAN THOMPSON: Not to mention, of course-- Talk about spending all the money. There's a lot of events. Am I willing to

spend that much money out of my personal pocket to go to all these dinners? Hey, you know, I got a ticket for Beth Orr for \$90 -- an invitation today. And I have-- Want to go through the list of events I'm invited to? And you say spend it -- pay for it yourself.

Thank you.

SENATOR SCHLUTER: Thank you, Mr. Thompson.

Mr. Flynn.

B I L L F L Y N N: Good evening.

It's kind of late, so I'm going to be relatively brief.

I want to commend the Commission for the zeal they've shown in doing this hard work.

I also want to commend the Askins. The last time I saw the Askins, we were playing tennis together a long time ago.

Anyway, I view us as pioneers. And I think we will be successful. Whether we qualify or not, we're going to be successful. Because our experience will generate a new generation of legislation that will tweak it.

And what I've done is, I've prepared a set of points that I think can be accomplished in the tweaking process. I won't go over these points, but you can take these home. There's enough for everybody up there. And a lot of the same points I've made were made by the predecessors. So I'm sure you have all of those points. But I wanted to put them all down in one comprehensive position.

So at the end of this campaign process, in January -- or whenever you meet again -- we'll come back again. And we'll tell you, in

detail, what should be changed. So I think that, as pioneers, we're going to accomplish something.

The long-range goal, as far as I'm concerned, is that every elected office in the State of New Jersey -- local, county, State -- will be campaign financed, the way it should be. And I agree with somebody who said that maybe we shouldn't just limit ourselves to four next time around. I think if we do it that way, it may be the year 2100 before we actually get around to having the whole state. So I think perhaps it should be eight, then 16, then maybe, in three cycles, the whole Legislature. And then start working on the freeholder level.

I can understand why one of the candidates said that the political apparatus is not happy with this. Because what does this bill do? It makes the political apparatus less necessary. You don't have to depend on big fund-raisers, whether it's Monmouth County, or Middlesex County, or Camden County. So, naturally, the leaders who have big say in the raising of money don't want to see this succeed. So I think what we've got to do is try our best this time. And if we don't make it, the tweaking process will begin shortly after that.

So, with that, thank you for coming.

SENATOR SCHLUTER: Before you leave-- Don't forget, if I may -- with respect to your last remark. The political process does the nominating. And during the primary season, this does not apply. So the political process works with the candidate, and the candidate raises money on his or her own, and also gets their friends in the political process to help. So the political process-- The fact that this separates politics or political leaders from their candidates is not really so, in the sense that in the

primary is when they can exert their hold over them and their pressure, if that's a bad thing or a good thing.

MR. FLYNN: That's another thing to take a look at.

One final comment-- And I'm going to make this offer to our opponents, both sets of opponents. If we don't qualify, and they don't qualify-- My running mate and I have agreed that we will comply with all of the regulations -- the debate regulations, the spending regulations, all the other regulations -- whether we qualify or not, if our opponents agree to do the same thing. So that's a pledge we make.

SENATOR SCHLUTER: Thank you.

Any comments from--

Yes, Mr. Tao.

MR. TAO: Very briefly.

Thank you very much for preparing your substantive and written suggestions to the legislation. Something for you to consider, if you can give some thought to-- And I know many of the other candidates are here, as well.

Part of the Federal Public Financing System -- which they have in the primary -- is that there is a stepped release of funds. Meaning, let's say, if you qualify in the criteria by March 1, you get X amount of funds, and then so on and so forth.

If you could, give some thought to a process whereby you meet a threshold of -- I don't know, 300 signatures -- strike that, 300 contributions, you get X amount of dollars, or a certain percentage of what's allocated to the district, and so on, and so forth. Something to consider.

MR. FLYNN: That would be an excellent suggestion, because as Sam Thompson said, we're kind of hamstrung right now. Our campaign has no signs, no brochures, and no paid mailings. So if we had a step process we could, as we're campaigning for more money, also regularly campaign. So I think it's a great idea.

SENATOR SCHLUTER: Thank you, Mr. Tao.

MR. FLYNN: Thank you.

ASSEMBLYMAN BARONI: I do have one question.

I commend you for your-- And I have no idea what other candidates are going to do. But just to, sort of, follow up on your comment about if you don't qualify, and no one else does either, that you'll live by the same regulations if everyone else agrees to the same thing.

MR. FLYNN: We would limit ourselves to \$59,000 each, we would have the two debates, and all the other criteria other than, of course, getting the money.

ASSEMBLYMAN BARONI: Including the nonacceptance of any outside funds?

MR. FLYNN: Yes, we would do the same thing. If they agreed to it, we would agree with it.

SENATOR SCHLUTER: By nonacceptance of outside funds, you mean non--

ASSEMBLYMAN BARONI: You would not have any outside political organization spending money on your behalf in your district.

MR. FLYNN: Right. And I think the rules have some remedies if that happens, contrary--

ASSEMBLYMAN BARONI: There would be remedies if people were participating. There wouldn't be remedies if there was no participation, for example. But you would agree to that?

MR. FLYNN: Yes, we would, because we feel strongly that the program should succeed. And that might be one way of getting it to succeed even better.

SENATOR SCHLUTER: Well, that's something that you and your opponents can certainly discuss.

MR. FLYNN: Right. I'm tossing that out tonight, and they can have a couple days to think about it.

SENATOR SCHLUTER: Thank you very much, Mr. Flynn.

MR. FLYNN: Thank you.

SENATOR SCHLUTER: We have two others who want to testify. And then, of course, if other people want to testify who have not registered, they certainly can.

Pat Freeman. (phonetic spelling)

UNIDENTIFIED SPEAKER FROM AUDIENCE: She left. She had to go home.

SENATOR SCHLUTER: I saw a man get up. I thought there might be a male Pat Freeman.

How about Linda Seiler? (affirmative response) You're on.

L I N D A S E I L E R: Okay.

SENATOR SCHLUTER: If you could give your identification and your affiliation, if you have any, or whatever it might be.

MS. SEILER: Well, I came, really, as a member of the public. But in full disclosure, I'm a member of Common Cause and the Center for

Civic Responsibility. I'm a trainer for them. I teach empowerment civics. I'm an AARP member. And I'm the Democratic Committeewoman, in Old Bridge, of the County Committee. But I didn't come really with that in mind.

I'm really interested in Clean Elections. I'm fighting for reform. And I've had some experience with this. The first observation is that I didn't find out about this Clean Elections from either of the candidates, initially. I found out from someone else. And I consider myself a well-read person. I read one or two newspapers a day, I watch about all the TV -- the news -- New Jersey news -- and I read a lot of Web sites. But I really didn't know. So I figured, if I don't know, there's a lot of other people that don't know.

I'm completely in favor of Clean Elections. What I've experienced, as I've gone around talking to people, is that people are in favor, as Ms. Askin said. But they want to know that the money that they give ends up with the candidate that they're giving it on behalf of. They certainly don't want a State Commission taking it and, most certainly, not the opposition.

So I think that's one of the problems. If the candidates don't make it, either it will go back to the Commission or -- if the other party wins the grant -- that money and additional moneys will go to the other candidate. That seems to be the biggest objection that I'm hearing.

The next thing is, there's little or no press and no public service announcements. I saw the article in the *Asbury Park Press*, but I live in an area where *Asbury Park Press* isn't delivered. I'm in a *Home News* area. And I didn't see anything in the *Home News*. And I get *Star-Ledger* every day. And

I haven't seen it in the *Star-Ledger*. I watch NJN every night and News 12, and I may miss a program here and there. But, certainly, if it has been said, it hasn't been said often enough. I also attend events at Eagleton, and I hadn't heard anything about it there.

Another thing-- I agree with speakers who said people don't walk around with checkbooks. I don't carry a checkbook. So you need, therefore, to catch someone at home if you want to be certain that you will find them with the checkbook. And that can be difficult.

As far as instructions, I did not receive, really, enough information to know about how to go about collecting that money. I got a letter, and I got the forms, but that was it. And it said, "I assume you know about -- or you've heard about Clean Elections." Well, I've heard about it, but not because I was educated directly by my party, or by the newspapers. I've heard it from other sources that I picked up the information. And there was no reference as to where or how to get more information.

In fact, today is the first day I just happened to stumble on the Citizen Action site, because I was looking to find out specifically where this meeting was being held. So I went back, and I started tracing through links on the Internet.

Another thing concerning the Internet-- Now, I've talked to senior groups about this. And I'm talking about it in a -- because of the nature of the groups, I'm talking about it on a nonpartisan basis just to tell them that Clean Elections is available, here are the forms. And, in fact, I'm not collecting the checks personally, because I don't want to collect it for either party, because that would kind of violate talking about it in a nonpartisan way. But I've told them to send the forms. And they can get

instructions on the Internet. Well, first I said they could get everything on the Internet. And I learned very quickly -- especially with seniors -- that they don't have the information or the Internet readily available and know how to print it out. So I had to go back and bring them forms. And the instructions are kept someplace else, so I had to bring that information. That makes it a little bit difficult.

I think that the dollar amounts are very reasonable. I think that is one of the good points. That really let's people get involved from all sorts of income levels.

What I didn't know -- that this money would even have the possibility of being made available to the nonmajor parties, which I think is very interesting. I had no idea. And, really, in all fairness, if I'm going to do this honestly, the way I want to do it, I would want to be able to tell people, "Okay. You can give it to Democrats, Republicans, or Green Party." I guess they haven't filed, so I guess they're not legitimately in this yet. But I had no idea, in the literature that I did read, that they even would be eligible for it. And I think their point was well made -- that if they have to meet the same thresholds, then they should get the same award. Otherwise, cut their thresholds in half, make it proportional.

That's it. Thank you very much.

SENATOR SCHLUTER: Ms. Seiler, just a minute.

Do we have questions of Ms. Seiler? (no response)

Thank you very much. That's very instructive, and we hope you'll continue to follow it and be able to provide testimony later on.

MS. SEILER: I'll be back.

SENATOR SCHLUTER: Are there any other members of the public who want to testify? (no response)

Seeing and hearing none, I think it is appropriate if we, as Commission members, open up any kind of discussion that we might have as to where we go from here. We don't have another meeting scheduled, which we can take care of. But from what we've heard -- and we're in public session. And we can certainly entertain any thoughts that Commission members might have, in view of the testimony.

ASSEMBLYWOMAN MURPHY: Will you contact all of us when you have reached out to leadership in the Assembly?

SENATOR SCHLUTER: Let's discuss this, if we can.

Mr. Tao.

MR. TAO: Very briefly.

Thank you to everyone who has come today and provided their testimony. We're going to be really relying on you to provide further testimony, your thoughts, and reactions, and observations as you go through this process.

I speak for myself, though I think many of the Commission members share this view. We want you to qualify. We really want you to qualify. That is, obviously, something that will give this Commission additional information to evaluate. But more than that, we need your help, as a Commission, as we move through this developing process, as we analyze the results and we provide recommendations to the Legislature.

As candidates, I know all of you have said that you support this legislation -- at least the intent behind it. We're going to need your support of us as we make recommendations and suggestions going forward in the

future. It's a collaborative process. We're in this together. We all share the same principles, where we believe that there is a need to get money out of politics. And, obviously, if we all agree that campaign finance is an important issue -- it's an important issue of many issues, but it's an important one here -- and we have a direct influence to do something good and something real, we're going to be needing to work together, hand in hand, as we go forward over the coming months.

Thank you, again, for coming. And thank you going forward. And good luck.

SENATOR SCHLUTER: Well said, Mr. Tao.

Other members of the Commission have comments? (no response)

I would like to elaborate a little bit on what we were talking about, I think, when Ms. Handlin was before us. And that is, should we try to intercede with ELEC or with the Governor on calling a special session? It's one thing to recognize that there are some problems. It's one thing to try to bring about a situation where they might be addressed and then, perhaps, not get any action, but at least it has been tried.

I would like to talk seriously with the powers that be in Trenton. I know that for a special session, you have to either get the Governor to call it or you have to get a petition of the majority of legislators.

Is that not right, Mr. Baroni?

ASSEMBLYMAN BARONI: Correct.

SENATOR SCHLUTER: And I think that there has been enough raised -- enough questions raised about a possible gap between what

the legislation says and what the Election Law Enforcement Commission has written into their regulations. Maybe they have been much too stringent and they've assumed much too much.

So with the approval of the Commission members, I will make these overtures, and we will let you know if a meeting is set up or what is going on, for anybody who is available to attend.

ASSEMBLYWOMAN GREENSTEIN: I do want to say I think it is definitely something that you should do, as the Chair of the Commission. And I'm behind it. We should definitely broach the subject.

However, if it doesn't happen, I think that the comments that Mr. Flynn made are good. Because I have a feeling, just from what we've heard here -- even from somebody who is as longtime a legislator as Assemblyman Greenwald -- it seems that most of the candidates are thinking that they're not going to qualify. So I think this is going to be a common experience of everybody. And I think your attitude was a good one, that it's going to be a common experience, probably, if nothing happens. And we will try to improve this for the future. But all of you will have been the pioneers. And it will not have been the most pleasant experience, but it will be a good experience for the state, just not for all of you, I'm sure. And we'll certainly try to improve that in the future, if we can't do it sooner.

SENATOR SCHLUTER: Is this a-- Among Commission members, is this a fair way to leave this subject at this time?

MR. DeLUCA: I just wanted to state for the record that I'd be opposed to any action like this at this point. I don't have-- It's not clear to me what we would be asking the Legislature to do. I could-- After listening

to two evenings of hearing, we haven't had an opportunity to talk amongst ourselves as to even consider what we might want to recommend if there was an interim recommendation. So I think all you would be doing is saying to the Legislature that there's a list of problems. Listen to the tapes, listen to the -- look at the reports. And what are they going to do?

SENATOR SCHLUTER: Well, this is part of communication, and this is what would be done. And I think that with the Election Law Enforcement Commission we could at least broach this with them to see if there is any flexibility in that.

MR. TAO: Mr. Chairman, I agree with Mr. DeLuca. I would agree in voting to permit you to broach the topic with the Legislature. But we should focus on what's important here. And the candidates should focus not on counting on a change to the legislation, but to qualify under the statute -- what we have. There clearly is a process for the statute to be amended, but after the completion of the process.

And, sadly, I think there would be arguments to be made by certain candidates. "Well, gosh. If I knew that the limit was going to be only 800 contributions, I would have filed. And I would have tried to get involved in the process."

But, again, there is no harm in broaching the topic with the Legislature. But it's important for us to focus on what the true message here is. This was an important first step. Obviously, it's a first step which is a developing process that requires fine tuning. As we go along, to make a public statement whereby this Commission believes that it's so off-key and gone so astray that we need an emergent legislative session to be called, so

that we can cure the very bad legislation that just has overlooked all these different issues-- I just don't think that's the right message.

The message is, clearly, people have thought about this. They made the determination. And we're all learning from it, and we'll have a chance to take a look at it real hard, think real hard about it, listen very intently to people who have experienced and gone through the process. And we'll deal with it in the process established through the statute.

But to make any statement beyond that, I would be opposed to it. And I echo Mr. DeLuca's comments.

SENATOR SCHLUTER: Well, I think that my intent would be to communicate with leaders in the State with respect to this -- some of the observations and some of the results of the hearing. And at least let them know what we have been through and what we have been able to observe. If they want to act in any way, that would be a matter for them to decide. But I do think that the matter can be broached with the Election Law Enforcement Commission.

Is there a sense of that?

ASSEMBLYWOMAN MURPHY: If I may, Senator, I would think that in speaking to the Election Law Enforcement Commission, the differences that we need to recognize would be the Enforcement Commission's interpretation of the law as opposed to the interpretation that the legislators may or may not have had when they created the law. Quite often, as I'm sure you recognize yourself, the difference between the bill you passed and the rules that came out following that, from OLS or any other agency, are not quite the intent of the drafter of the legislation at the time the legislation was written. And there may well be changes that should

be made -- not perhaps now, in agreement with Curtis, but perhaps shortly -- in terms of what ELEC has determined was meant, as opposed to what the legislators themselves may have meant and not foreseen -- and unforeseen circumstances have occurred.

ASSEMBLYMAN BARONI: I would agree with that, from a statutory interpretation perspective. But it strikes me that the biggest hurdle in a long track of hurdles here is the 1,500 contribution number. And that is not-- ELEC hasn't interpreted that. That was--

ASSEMBLYWOMAN MURPHY: That was the number fixed.

ASSEMBLYMAN BARONI: Yes. I mean, that's just on its face.

ASSEMBLYWOMAN MURPHY: That, and the time span, though. If you could give eight or nine months, maybe 1,500--

ASSEMBLYMAN BARONI: I think that's statutory.

ASSEMBLYWOMAN MURPHY: How you do that in an election--

ASSEMBLYMAN BARONI: Linda, that's mandatory, right?

ASSEMBLYWOMAN GREENSTEIN: I believe it is.

SENATOR SCHLUTER: I think what Mr. Baroni has said is correct.

I don't know if there's any flexibility, with respect to the particular document on which it's reported. I don't know if there's any flexibility with respect to cash contributions.

ASSEMBLYMAN BARONI: No.

SENATOR SCHLUTER: Bill says no.

ASSEMBLYMAN BARONI: The form, yes, because that was not a legislative--

SENATOR SCHLUTER: The form.

ASSEMBLYMAN BARONI: The form was set by ELEC. But the--

And, Mayor DeLuca, the cash was in the statute, the 1,500 is in the statute, the number of days to qualify is in the statute, who can donate -- meaning a registered voter in the legislative district -- is in the statute.

For example, that section of the statute, requiring the only people who can write a check to be registered voters, is unconstitutional, as the Supreme Court told us in 2003, based on a case called *McConnell* (phonetic spelling), which said that the section of McCain-Feingold -- that said under 18 couldn't contribute was unconstitutional. But that's in the statute. Unless somebody challenges it as unconstitutional--

SENATOR SCHLUTER: The occupation and employer is in the statute.

ASSEMBLYMAN BARONI: Occupation and employer is in the statute.

SENATOR SCHLUTER: Yes.

I will, with these--

ASSEMBLYMAN BARONI: We can ask the Office of Legislative Services to present to us a list of things that are statutory and a list of things that are regulatory. And those things that are regulatory can be altered by the regulatory body, which is ELEC. Maybe that's what we should ask for. We should ask for the Office of Legislative Services -- and I apologize to OLS folks -- but ask the Office of Legislative Services to make,

for us, a list of the mandatory-statutory items such as 1,500 and the interpretation actions of ELEC.

SENATOR SCHLUTER: Is that a good course of action?

ASSEMBLYWOMAN MURPHY: I think it's a more prudent way, and I would support that.

SENATOR SCHLUTER: And then take that up with -- assuming there is a body of things that might be considered. And then take that up with ELEC.

MR. TAO: Sensible solution.

ASSEMBLYWOMAN GREENSTEIN: Good idea.

SENATOR SCHLUTER: Thank you, Mr. Baroni.

I will proceed on that basis.

Is this-- Anything else to come before the Commission? (no response)

Is there a motion to adjourn?

ASSEMBLYMAN BARONI: So moved.

SENATOR SCHLUTER: All in favor? (affirmative responses)

Opposed? (no response)

So ordered.

Thank you very much for your recording efforts, your patience, and your tolerance.

(MEETING CONCLUDED)