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# *Commission Meeting*

of

## NEW JERSEY CITIZENS' CLEAN ELECTIONS COMMISSION

*"The Commission will: 1) discuss who qualified to participate in the pilot project; 2) receive a report from Ingrid Reed, of the Rutgers' New Jersey Project, on the work of the Clean Elections Study Committee; 3) set the schedule for meetings after the November 8 general election; 4) receive presentations from invited guests and members of the public; and 5) consider such other matters as the Commissioners deem important"*

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**LOCATION:** Cook Campus Center  
Rutgers University  
New Brunswick, New Jersey

**DATE:** October 6, 2005  
3:00 p.m.

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

Senator Bill Schluter, Chair  
Senator Anthony R. Bucco  
Assemblywoman Linda R. Greenstein  
Assemblyman Bill Baroni  
Victor DeLuca

### **ALSO PRESENT:**

Frank J. Parisi  
Office of Legislative Services  
Commission Secretary



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

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**SENATOR WILLIAM E. SCHLUTER (Chair):** Can we start the meeting? We're only 15 minutes late. We're going on legislative time. And that is said with apologies and respectfulness for the two members of the Commission who always come: Assemblywoman Greenstein and Assemblyman Baroni, who are in the middle of their campaigns. So they can expect -- be expected to be a little bit late. And they can be excused for that.

But we do not have a quorum. We have some business to conduct when we do get the quorum. As a result, I think we can go forward at this time with some of the informational part of the meeting.

At this time, I would like to have the Secretary note who is here, and anything else you need to bring to the attention of the gathering.

Mr. Parisi.

MR. PARISI (Commission Secretary): Okay.

I'll call the roll, Mr. Chairman.

Senator Bucco.

SENATOR BUCCO: Here.

MR. PARISI: Senator Scutari is not going to be here.

Senator Baroni -- excuse me, Assemblyman Baroni. (no response)

Assemblywoman Greenstein. (no response)

Victor DeLuca.

MR. DeLUCA: Here.

MR. PARISI: Steve Lenox. (no response)

Carol Murphy is not going to be here.

Senator Schluter -- Former Senator Schluter.

SENATOR SCHLUTER: Here.

MR. PARISI: And Curtis Tao is not going to be here.

As you said, you do not have a quorum.

SENATOR SCHLUTER: Thank you all for coming. And we have a lot to talk about when we get a quorum.

But before we do that, we have some informational components of what we're doing. And if we can call on Ingrid Reed, who is from Eagleton, and who is the head of the Eagleton academics for Clean Elections.

If you could explain what you're doing and what the developments, in respect to the--

**I N G R I D R E E D:** Are all of these equal? (referring to PA microphone)

MR. DeLUCA: No, this is the one I think you need to speak into. Not mine, but-- No, that one.

MR. PARISI: That one is live, the other two are recording. Either one.

SENATOR SCHLUTER: And she will give a report on what her group intends to do in view of the participation that we have -- or minimal participation that we have, in the two districts.

Ms. Reed.

MS. REED: Good afternoon, Chairman and Commission members.

I'm pleased to be here again. We--

SENATOR SCHLUTER: Can you hear that? Can you hear her in the back?

UNIDENTIFIED SPEAKERS FROM AUDIENCE: No.

SENATOR SCHLUTER: They say boost it up.

SENATOR BUCCO: Why don't you take the mike off the stand? It would probably be easier.

MS. REED: How is that, better?

SENATOR SCHLUTER: Is that better?

Don't be afraid to speak loudly.

MS. REED: It's good to be here again.

When we first met with you -- I guess it was in the Spring -- and told you that a group of academics from a number of different institutions in New Jersey wanted to form a study group that would look at elements in the process of Clean Elections, that would be useful for anyone in New Jersey thinking about this process -- since I think we do want wide public attention-- But specifically, we hoped it would be useful to the Commission members as they conducted their evaluation after this first election under the pilot projects took place.

Let me just summarize what we propose to do. And the group of people includes Peter Woolley, from Fairleigh Dickenson; Joe Marbach, from Seton Hall; Matt Hale, from Seton Hall; Montague Kern, from the School of Communication, here at Rutgers New Brunswick; Bruce Caswell, from Rowan University; David Rebovich, from Rider University; and myself and students at the Eagleton Institute. And we're very pleased that the agenda that we put together has been funded by outside funders. And we are very pleased with the support that you gave us.

Let me just review-- What we said we needed -- we thought you needed, and everyone needed, was an understanding of public attitude

or public opinion. So we proposed to do a survey early in September that would be quite general in nature, asking people what their attitudes were toward public funding, if they thought public funding would shape attitudes toward the trustworthiness of the political system. It basically mirrored your broad objectives. And we also were interested in finding out what people knew about the Assembly races -- if asked, just generally -- in New Jersey. Because one of the important, sort of, side benefits of the Clean Elections project, I think, has been that in the Clean Election districts, there would be more citizen involvement -- at least citizen awareness. So we wanted to know what it was statewide.

That survey has been funded by the New Jersey Chamber of Commerce, and it has been in the field. Fairleigh Dickenson has done that survey -- has not analyzed it. We are now going into the field and doing the same set of questions, but in the two Clean Election districts.

I should note that in observing and clipping the newspapers in the Summer -- from my experience, we had much more newspaper attention to the Clean Elections process than one usually has to any level of Assembly races. And I think the citizens have been very well served by the newspapers in building awareness of this experiment. And we're very interested to see what we learn when we do the survey in those two districts.

We're very pleased that The Fund for New Jersey has given us a grant, as you know, that's made it possible to support some student research activity in keeping track of what's been going on with the Clean Elections project, and to fund the surveys in the two districts -- which is really quite an expensive process, because you have to put together a special

list of registered voters from the different municipalities. So we're very pleased that we're able to do that.

We think there will be some funds left, and we are adding a piece to the look at these two districts. And that is focus groups that we hope will help you understand what people thought of the Clean Election process. And this is with people who are likely to be more aware of the Clean Election process. We will not do this until after the election, but we are tentatively looking at three types of groups -- one that are people who are politically involved, and therefore might have known about the Clean Election process through party affiliation. Another is people who are involved with civic organizations, and therefore might have been interested. And the third group would be interested citizens who would be drawn from the list of people interviewed in our poll. We've done that before -- finding people who say they would be willing to talk with us in an hour, an hour-and-a-half conversation. So I had made a list of some of the topics that we thought we might include in the focus group, but that's something that's evolving.

Secondly, we said we would be monitoring the two Clean Election districts and selecting several others where we might make some comparison -- basically looking at campaign activity. We're going ahead with that. It's a good thing to know -- what happens in Assembly races whether or not we have the Clean Election districts. We think we're not going to pick up a lot, in terms of Clean Elections. We don't know what we will find by looking at the newspapers, visiting campaign headquarters, and asking the campaigns for the schedule of activities -- something that they would make public. Are there debates taking place in non-Clean Election

districts? Because we had anticipated that in the Clean Election districts there would be two debates. Voter information would be going out in the Clean Election districts. So we will be monitoring what happens with elections, as well as collecting campaign material. And we'll-- Since the Clean Elections Pilot Project is partial, we're not sure exactly what we will find. But since this is an ongoing process, what we learn in 2005 may be helpful in comparing to 2007, if we can continue this effort.

Thirdly, we had said that we really wanted to try and find out if television picked up on the Clean Election projects and if television treated the Assembly districts differently, since each of the pilot projects is in a different media market. We thought this might be a useful exercise.

This is funded by the Taub (phonetic spelling) Foundation. And we are going ahead and monitoring the nightly news 30 days before the election on 12 outlets in New Jersey. This has never been done. And cable is included in that. It's never been done, nationally, to monitor cable. So we don't know what we will find out and what it will have to do with Clean Elections. We think we will find that Assembly races are not very well covered by television and that that might be another reason to promote Clean Elections -- so that you have more citizen engagement, more competitive races. We know that competitive races are covered more than races that are considered noncompetitive. But we're pleased that we will be able to go ahead with that project. And it will probably be useful information in a number of ways.

Also, given the -- as I said -- the partial movement forward on the pilot project, we have been in touch with the Brennan Center and have asked them to do a very specific thing, because they have a unit on public

funding. We thought it would be interesting to know what happened after public funding was begun in Maine and Arizona. What were the kinds of initiatives that came up in the legislature to change the program? What were the initiatives that were undertaken by the organizations that supported the Clean Elections project, and what were some of the issues that came up in opposition to Clean Elections? I think we all have to constantly remember that these kinds of programs, in effect, are never really completed. Every year that they're implemented, we learn something new, or people find something that they'd like to change. So Brennan is going to help us with that.

Finally, we also will, of course, turn to ELEC to get an understanding of exactly what funds were raised, and what denomination. And you may be doing that with the Commission. If you are, we'd like to include that in any report that we put together. But we think it's important to have that spelled out as clearly as we can for the public.

So those of us who are involved in this have found it to be, quite frankly, inspiring to see this amount of activity in New Jersey, even though, as I say, you all know we haven't moved as far ahead as we had hoped. But I think a pilot project clearly is giving us an opportunity to learn, and to examine, and hopefully to come up with a better program in 2007, as you are all charged, basically, to recommend.

I'd be glad to answer any questions.

SENATOR SCHLUTER: Thank you, Ms. Reed.

And we have Assemblywoman Greenstein with us now. We still don't have a quorum.

But we'll proceed with questioning of Ms. Reed. And we'll start with Mr. DeLuca.

Do you have questions for her?

MR. DeLUCA: I have one -- I guess one comment. You talked about the process being well-served by newspapers. I'd like to push back a little bit on that, and ask you to look over time about that. Because in the very beginning, frankly, the newspapers were nowhere to be found.

MS. REED: Right.

MR. DeLUCA: And, in fact, the *Asbury Park Press* was quite negative about the whole program. And if you could give us a sense of how that might have changed, I think that would be useful.

MS. REED: It appeared, from following it, that the education effort, I think, that the Commission undertook to help the newspaper understand, help anyone understand what the pilot project was -- what it entailed, and the fact that the pilot project meant that you had to learn from doing, and the opportunity that the pilot project presented to deal with some of the issues that were really number one at the time -- and that is, I would say, trust in government officials, the issue of corruption -- and that this was an attempt to address that.

I think the newspapers began to see that there could be criticism of this program. But the program was there, and it had opportunities. And you saw a shift, as the candidates -- I think a lot of credit goes to the candidates -- that they began to understand and agree to try to raise the funds. And the newspapers also saw that citizens had not really had an opportunity to learn about this program. I think that's probably one of the biggest lessons that we've learned.

So then you saw the newspapers actually, in effect, engaging in the process, putting material on the Web site, explaining it, putting the form up, and then following the, sort of, mid-course correction that the Commission sparked, and then the Governor supported.

I can't quite tell you why the newspapers changed their approach. But as you know, newspapers don't usually cover things that they don't think people know about. And I think probably some early controversy raised the attention of the Commission, that then turned around, and the newspapers, in effect, played an important role in making citizens aware of the effort and following the efforts of the candidates. I can't quite tell you why they did that, but if you look at newspaper coverage and clip it the way I do, you could see that the editors and the reporters at least were willing to give the public a chance and wanted to be a part of that, sort of, public engagement. That's my observation. I haven't interviewed the editors.

MR. DeLUCA: That might be something that we could look for in the hearings.

MS. REED: Right.

MR. DeLUCA: One other question. In one of the hearings -- I don't remember which one -- I had asked you if it was possible to measure the messenger -- who would be -- who was the best messenger in this process. Clearly, that's something we need to learn, because the newspapers -- the media was one, the elected officials were another, third party groups that are in the State pushing this were third.

Is there-- Is the best way to sell this program, and to share this story, through someone who is -- doesn't have a vested interest, like one of

the candidates? And I think that would be useful, as we go forward, to understand how to educate the population.

MS. REED: We considered asking specific questions about the program in the survey. And my colleagues who do this kind of thing -- Peter Woolley and, basically, Tim Vercellotti at the Eagleton Poll said if you have to explain to the respondent to the survey what you're talking about, it's probably not a good question and not a good response. And you would probably get a richer assessment of those kinds of questions if you did it in a focus group. And that's exactly why we're thinking of doing this. Because in a focus group, you can both explain the situation to people and have them think about it and discuss it among themselves, or you can actually invite people into a focus group, as we've proposed, who have some awareness or who have had some stake in it and can easily say, "Well, you know, we could have done that better if we had such and such, and so on. We knew about the program."

So we hope that, in the focus group, we can get some of that -- I guess assessment is a neutral word -- from people who were somewhat close to the process. We'd like to ask people questions such as, what denomination of contribution do you think would have been more acceptable? How did you hear about it? Who do you think should tell people about it? Those are the kinds of questions that we would like to ask.

MR. DeLUCA: Thank you.

SENATOR SCHLUTER: Senator Bucco.

SENATOR BUCCO: Thank you, Mr. Chairman.

Ms. Reed, thank you for your presentation. I have to pick up on what Mr. DeLuca said about the media and your response. I don't think

the media was excited enough in the beginning about this. It didn't excite them until there were some problems and whatnot. And that's when they seemed to wake up -- wrong mike, okay -- when they seem to have woke up and found out there was something to report about.

Your proposals-- What is the timetable on all of this? Do you have a timetable?

MS. REED: There are a number of steps in all of this, but we are very aware of your timetable of February 6. So we are hoping that we can wrap up coding and inputting the data that we are collecting before the holidays so that we can have a report by the beginning of January. And it might go faster, depending on how quickly the students do the coding. But we know that we want information to you.

The survey we will have earlier. And I think that we will probably wait until after -- right after the election to make known the survey -- the statewide survey and then the comparative survey of the two districts. And we'll wait until after the election. So you should have that early. And we'll have to see how quickly we can get the other information. But, clearly, that together -- what we've seen happening in the districts -- the newspaper coverage, the activities that the candidates have engaged in -- we'd like to get that wrapped up before the students leave for the holidays.

SENATOR BUCCO: Because we do need time to digest it.

Thank you.

The only thing that I have also found throughout this process, in talking to people in my district -- which was not included in the Clean Elections campaign -- telling about the \$5 donation -- contribution to the campaign. As one person said, when I told them the information that they

needed to give, along with that \$5 check, is-- One person asked me, "Do you want my firstborn child also?" (laughter) So I think we've set the bar much too high in this whole process. But we'll talk about that at a later date, I'm sure.

MS. REED: I think that we were thinking about asking people about that. And then we thought, is it fair to ask people, "Would you like to give less information, or would you like to give more information, like your firstborn child," when, basically, those regulations were set up in good faith to parallel other practices of disclosure. And then someone said to me, "Well, do you have to have, sort of, the same rules for five bucks as you do for \$20,000 that people give to a leadership PAC?"

And I think probably if you requested some brainstorming from people who know about those kinds of rules, and where there might be more flexibility, I suspect that we would get a similar assessment from citizens who were involved. "Listen, I can be on the ballot by just getting a petition, having people sign their names. Why can't you put your \$5 in a hat and sign the piece of paper?" That's what I've heard. That's not something that we feel comfortable recommending to you. But I hope that you will ask other people to, maybe, think about if there is flexibility and how that flexibility would work.

SENATOR BUCCO: Thank you.

MS. REED: I'm sympathetic.

SENATOR SCHLUTER: Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: Yes, thank you.

Thanks very much for being here.

We've really started talking about this, and I know we'll be talking a lot more. But do you have any preliminary thoughts on this idea of how we could go about educating the public, which clearly was what we had not yet done during this cycle? And I think that led to a lot of the issues that we have. I mean, it's going to have to be a major effort. Do you have sense, at this point -- an early sense of the best vehicle for doing that?

MS. REED: We also have talked about that. And I have to say that one of the issues that comes up a lot is the engagement of people who are already, theoretically, supposed to be engaged in party politics -- and thinking about how you can get the word out to district committeemen and women, and even work with clubs. Because I think one of the things we do want to encourage is political involvement. And so that's, sort of, one category of how do you target the people who you think would pay attention. And you could come up with Rotary Clubs, all the service organizations who are paying attention.

So one is, sort of, a targeted effort. The other is something that people are used to getting -- a letter from government saying, "Dear Citizen, Guess what? You're lucky to be in a Clean Election district. What does that mean?" And we don't know how well that kind of information is received, because we know people just very often don't trust it or throw it away. And do you do ads on television? That's expensive. Who does them?

I think that it really deserves to have some brainstorming. But also, we thought some volunteers from campaigns who know how to reach people and have some insights from focus groups-- Why not ask them how

they think they connect best with people? I don't think there's an easy answer to this, and you certainly have to think about the cost.

ASSEMBLYWOMAN GREENSTEIN: It would be great if we could-- I know this has been talked about many times. But to get some kind of donations, public service announcements, and all that sort of thing would clearly help. Repetition is going to be important.

MS. REED: Right.

And I think the other issue that is very important is, good communication results from people hearing something from different places. If you only hear it from the candidate, you're not going to even take it that seriously. I mean, we know that when companies introduce a new product, they have a point of sale display in the supermarket, they send you a coupon in the mail, and they have a television advertisement. It's a kind of triangulation.

If you don't hear about something new in many different forms, then there isn't a reinforcement of the idea. And I think that was sort of behind thinking that you can't do it just one way, and that there's an appeal to citizens directly, there are intermediaries who will give it credibility; and, of course, then you have newspapers, maybe television. But even if you rely on public service ads, somebody has to produce the right ad. And so what is the right message? And I think it's given us new respect for the citizen activists who engaged in the initiative and referendum in those two states that basically created fertile ground for citizens to be involved.

ASSEMBLYWOMAN GREENSTEIN: Do you have any qualms about the role of political parties in this process? I was sort of

surprised in the last hearing to hear as much, frankly -- as much support for it. Because I thought some people would take the position this is really the candidates and the public, and some direct connection.

MS. REED: To tell you the truth, coming from Eagleton, where we're very supportive of political engagement -- we want people to be involved in parties, because that's an important way of having civic participation, as well as, say, encouraging our students to be involved in nonprofit organizations that-- I just come from an orientation that sees engagement in political process very important, and has a great deal of respect for people who are elected with public funds -- to be part of a party process that is actually in law in our state.

And so I think you certainly wouldn't want to have parties be the only vehicle. But it seems to me they should be one of the vehicles.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

SENATOR SCHLUTER: Thank you.

I have a couple of questions. And I want to remind the members of the Commission that the people here who will be testifying are going to be testifying on the status of where we are right now and what their involvement is. Because we're going to get a chance to ask some in-depth questions after the election, in our statutory requirement of trying to develop what is best in all sorts of fields: number of contributors, size of contribution, more public awareness, etc., etc., etc.

So we have to now, I think, concentrate just on where we are and the questions to the presenters of the process as it now is.

Ms. Reed, in your surveys about awareness of the Clean Election-- You said that after the elections, after the November 8 date, that

you will be asking people how well they knew about this program. How about asking them now, in your surveys?

MS. REED: Well, that-- We do ask a question about: have they heard about Clean Elections. So we're asking that in the statewide survey.

SENATOR SCHLUTER: Now.

MS. REED: Now, right now. And then we're asking that in the two districts. And, quite frankly, we'd be very disappointed if we didn't see a significant difference. But we may not. We just really don't know. But we are asking an awareness question.

SENATOR SCHLUTER: And that awareness will be the statewide awareness versus in District 13 and in District 6.

In your analysis of television coverage-- As you said, the Assembly races are, very often, invisible. Will you be collecting data on how much -- how many minutes are devoted on each station to, say, the gubernatorial camp compared to what might be presented on the -- for--

MS. REED: We are looking at all New Jersey political coverage. We know that in some cases we're going to see more of the New York mayoralty coverage. But we are-- We will be capturing the 30 -- the nightly news most watched, 30 minutes, 30 days before the election. And when we set up the coding for this, we added coding Clean Elections. So if there's any mention of Clean Elections, anywhere, we will capture that. But it is all political races in New Jersey.

SENATOR SCHLUTER: It seems to me, as an observation, that in 2007 there's going to be a different landscape, and you will get more media coverage in the legislative races because the Senators will be up, as

the Assembly; but the gubernatorial will not. So, therefore, that will fill that void.

With respect to involving the Brennan Center-- Now, are you asking them for an analysis of what those states that have had Clean Elections -- what they have done to fine-tune their Clean Election process?

MS. REED: Yes. We thought it would be helpful just to have something to compare with, because I know people already have been following what they have done. And Deborah Goldberg, who runs the Democracy Project (*sic*) -- I actually called her to see if anyone else had contacted her from New Jersey to provide some guidance -- said that they would also be looking at the issues that we have in New Jersey and trying to see if they can be helpful in some other way.

As you know, they take the attitude -- or their whole mission is to promote public funding. And so we have to understand that that's where they're coming from. But they were very willing to try to work with us. And I think they probably would be glad to speak with the Commission members.

SENATOR SCHLUTER: Now, here's a question which is really out -- from out in left field. Has any thought been given to an analysis by the Brennan Center of the quality of legislation that might be developed with legislatures that are elected through the Clean Election process, such as more attention to ethics issues, more attention to campaign finance, more attention to serious fiscal matters? Or is that just too much of a stretch to--

MS. REED: I really can't speak for them. I would be glad to arrange a conversation, and you can challenge them.

SENATOR SCHLUTER: Well, that was, perhaps, a little bit too provocative on my part. And I apologize for the question. (laughter)

MS. REED: It may not be, but I can't speak for them.

SENATOR SCHLUTER: We have heard that in Maine, there are a lot more women that now are in the legislature. And this, of course, I think will result in different kinds of legislation, and a different--

MS. REED: Oh, well I can certainly ask them what other kinds of evaluations they have done and tell them that there's interest here in that. I'll let you know.

SENATOR SCHLUTER: Fine. Thank you.

Any more questions of Ms. Reed? (no response)

Thank you very much. And you'll be here -- you'll continue to be here and listen to the rest of the testimony?

MS. REED: Thank you.

SENATOR SCHLUTER: We still do not have a quorum.

Let me consult with Mr. Parisi.

I think it would be well for Mr. Parisi to summarize.

We have some people who want to testify.

I think it would be well for him to summarize the status so that everybody here knows the status of the Clean Election districts, and what candidates have qualified, and who have not.

MR. PARISI: Thank you, Mr. Chairman.

What I would like to do -- I'll just run through--

Can you hear me?

What I will do is, I will just run through a chronology of the events, in regard to Clean Elections, which have occurred since the last meeting, which was August 18.

On Thursday, August 25, the ELEC -- Election Law Enforcement Commission -- approved the redefining of cash, as used in P.L. 2004, c.121, to include e-checks and check cards, so that donations to the program could be made on the Internet.

On Monday, August 29-- It was, at that point at noon, possible to make echeck donations on the Treasury State home page and ELEC Web sites.

On Wednesday, August 31, it was possible to make donations at those sites using check cards.

On Tuesday, August 30 -- I'm a little out of chronology here -- candidates -- Assemblyman Louis Greenwald and Pamela Rosen Lampitt, in the 6th District, announced that they had reached the Clean Elections qualifying threshold.

On Wednesday, August 31, Acting Governor Richard Codey issued Executive Order No. 51, extending the deadline for qualifying to be a Clean Elections candidate to September 21, 2005, from September 7, 2005.

On Wednesday, September 7, Democratic candidates in the 13th District, William Flynn and Michael Dasaro, announced that they would be withdrawing from the program because they had been unable to reach the required number of -- or achieve the required number of contributions.

On Friday, September 9, Democratic candidates in the 6th District, Assemblyman Greenwald and Mrs. Lampitt, announced their

support for the program and gave contributions to Republican candidates Marc Fleischner and JoAnn Gurenlian.

On Tuesday, September 20, candidates Greenwald and Lampitt were certified by ELEC as Clean Elections candidates.

On Thursday, September 22, the Republican candidates in the 13th District, Assemblyman -- current Assemblyman Sam Thompson and Amy Handlin, announced that they would be unable to collect the required number of contributions, so they would not be participating in the program.

Also on Thursday, September 22, candidates Greenwald and Lampitt received the allotted amount of \$65,100 each from the Clean Elections fund for their campaign.

On Friday, September 23, the Republican candidates in the 6th District, Marc Fleischner and JoAnn Gurenlian, announced that they would be unable to collect the required number of contributions, so they would not be participating in the campaign.

On September -- a week later, on September 30, voters' guide statements for the Democratic and Republican candidates in both the 13th and the 6th Districts were put on the ELEC Web site as provided for by P.L. 2004, c.121.

On Monday, October 3, the schedule of Clean Elections debates for the Democratic and Republican candidates in the 6th Districts were put on the ELEC Web site, pursuant to P.L. 2004, c.121.

And today, October 6, I've been told that candidates Greenwald and Lampitt received the money that was set aside for the other candidates in the district who were unable to qualify, so that they received a total of \$130,200 each, for a total of \$260,400.

And there have been-- Debates have been set up. The days for the debates in the 6th District have been established. They're on the Web site. I'll just give those to you.

The first one, sponsored by the League of Women Voters, will be on Thursday, October 11, 2005, from 7:30 to 9:00 p.m., at the Gibbsboro Elementary School in Gibbsboro, New Jersey. And the second one will be sponsored by Citizens Action Education Fund on October 25, 2005, from 7:30 to 9:00 p.m., at the Scottish Rite Auditorium in Collingswood.

And that is as much information as I have to date, unless--

I know that Fred Herrmann, from the Election Law Enforcement Commission is here. And he has indicated to me he would be willing to answer any questions -- additional questions you may have.

SENATOR SCHLUTER: I wonder if Mr. Herrmann can come forward, because I had a couple of questions?

With respect to--

And I'll ask this of you, Mr. Parisi -- with respect to the debates in the 6th District, what is the requirement, for those people who have not qualified, to appear in the debates?

MR. PARISI: Well, the law--

Or Fred can answer this.

The law provides that they need to be invited. They do not-- They're not compelled, at all, to participate. But they are required to be invited.

FREDERICK M. HERRMANN, Ph.D.: That's correct.

The Clean candidates have to debate, and they have to invite the other candidates. But the other candidates do not have to debate if they don't want to.

SENATOR SCHLUTER: Our staff has been excellent in giving us the newspaper clippings, and we've learned a lot about what's going on in the districts from these clippings.

Incidentally, let the record show that Assemblyman Baroni is here. We do now have a quorum, and we can proceed with our regular, formal business.

Mr. Herrmann, I will ask a question, and then we'll have the others ask questions of Mr. Herrmann.

I saw in one of the clips that the 13th District Republican candidates, who might have received 75 percent or 70 percent of their qualified contributions -- they asked you about returning those to the donors. Has a decision been made on that?

DR. HERRMANN: We have an advisory opinion before the Commission, Mr. Chairman. That will be handled at our October 18 meeting. We're actually having a special meeting on October 18. And we will answer that question at that time.

SENATOR SCHLUTER: So as far as that amount of money -- that's really held in limbo right now until they get the answer.

DR. HERRMANN: Yes.

SENATOR SCHLUTER: Questions of Mr. Herrmann?

Mr. DeLuca.

MR. DeLUCA: Yes, Mr. Chairman, just following up on your question.

Do we have a sense of how close they got in the 13th District?

DR. HERRMANN: No, we don't, because the only candidates that actually filed were in the 6th District. The two candidates that were successful as Clean candidates filed, of course. Their information is up on the Web site. And the other 6th District candidates that did not qualify -- attempted to qualify -- and they filed reports, and those are on our Web site. So we have complete data for them.

I've also got with me today, which we can share with the Commission and we're also planning to put up on our Web site, some detailed data from the 6th District, in terms of the four candidates, the number of contributions that they've raised -- \$5 contributions, \$30 contributions, and totals. And we also have -- and I think this will be of interest to the Commission too -- we do have information on the online contributions. These were the debit cards that we used, and the e-checks.

By the way, an e-check -- I just found out what that was. I wasn't sure, exactly. I said, "What is an e-check?" An e-check is actually a check from your checkbook. And there's a little routing number on the bottom. And all you do is, you take that routing number, put that into the Internet, and that becomes your contribution. And then you rip up your paper check because you've already used it. So that's a very simple procedure that you can actually do with your paper check, or use the debit card. And the information on that, by the way -- and we'll share all this with you, of course. One hundred and sixty-one contributions were collected that way. And that was over about, I think, a three-week period. And \$2,180 was collected by all candidates. And that data we do have for

all the candidates in the 6th as well as the 13th District, in terms of what they collected online.

MR. DeLUCA: Just-- Well, maybe you'll deal with it at your meeting with ELEC. But if the candidates collected the money for this program but did not hand it over to ELEC, why would they not be able to give the money back to people?

DR. HERRMANN: Well, that's going to be advisory opinion. So I don't think, at this point-- I don't want to jump the gun on my Commissioners, in terms of the analysis of this. But I think there are arguments on both sides that the Commission is going to have to review, in terms of what the law contemplated here.

The checks are made out to the fund, yet, on the other hand, they were collected by individual candidates. So we'll just have to weigh that. And we will have an answer on the 18th.

SENATOR SCHLUTER: Following up on what Mr. DeLuca said, can you give us, just real quickly, a summary of what the -- what the percentage of collections of the total was for the Republicans in District 6, and anything that you can give us with respect to the--

You told us 161 contributions from the email. How about from the check card? Or is that included in the--

DR. HERRMANN: I do believe we broke that down.

Actually, Director Davis has that.

We don't have percentages, but we do have e-check separated out from check card. So it's probably a pretty easy calculation that could be made, which we'd be happy to do. Maybe not right now though, but shortly. As I said, we'll share this with the Commission. And we can

actually give copies of this to you now. And we will put it up on our Web site.

SENATOR SCHLUTER: For the general public though, if you could give us some--

DR. HERRMANN: Sure.

SENATOR SCHLUTER: --just some eyeball figure of what the magnitude of that--

DR. HERRMANN: Right. In the 6th District, for example, the candidate -- to put it in perspective, the candidate had to collect over \$20,000 in 1,000 \$5 contribution, in 500 \$30 contributions. Candidate Fleischner, in District 6, raised 821 \$5 contributions, which was short of 1,000; and 244 \$30 contributions, which was short of 500. The other candidate, Gurenlian, raised 807 \$5 contributions, again 807 being less than a thousand, and 255 \$30 contributions -- about half of what one would need to qualify.

SENATOR SCHLUTER: Do you have any idea about District 13 for the -- similar data.

DR. HERRMANN: We don't, because they did not file that with us.

SENATOR SCHLUTER: They did not file that.

DR. HERRMANN: Because they didn't apply for the money.

SENATOR SCHLUTER: And, of course, the next question -- following on what we have said before -- what do Mr. Fleischner and Ms. Gurenlian do with that money? Has that been turned over to you? Is that now in the Clean Elections Fund?

DR. HERRMANN: No, they still have the money.

SENATOR SCHLUTER: And did they have an advisory opinion, asking for what to do with it?

DR. HERRMANN: Oh, I'm sorry. These are the other two candidates. They, I believe, will be the beneficiaries of the advisory opinion to the other two. So that will advise all of them what to do if they turn over the money. As I understand, they haven't turned over that money yet in District 6.

UNIDENTIFIED SPEAKER FROM AUDIENCE:  
(indiscernible).

DR. HERRMANN: Oh, we have that. Okay. We have that money.

SENATOR SCHLUTER: But does that mean it is in the Clean Elections Fund and can't be taken out?

DR. HERRMANN: Oh, I think it's in.

SENATOR SCHLUTER: It's deposited. So that means that's gone, and they can't give that back to the donors, because that's already been--

SENATOR BUCCO: We'll know on the 18th. (laughter)

DR. HERRMANN: Yes, Senator, I think that's the correct answer.

MR. DeLUCA: Mr. Chairman, could I just--

SENATOR SCHLUTER: Yes.

MR. DeLUCA: I don't want to get too fine here, but wouldn't -- in the 6th District -- each set of candidates be considered participating candidates for purposes of the debate? Even though one set did not qualify, they played by the rules, they participated in that process.

DR. HERRMANN: Well, under the law, in terms of the terminology, the two Democratic candidates did qualify, they are Clean Election candidates, and the other two did not. And the law says that the Clean candidates must invite the other candidates to debate. But by virtue of inviting them, it doesn't make them participating candidates. They are just debating. And I think, as we said earlier, Mr. DeLuca, they don't have to accept the invitation if they didn't want to.

SENATOR SCHLUTER: More questions of Mr. Herrmann?  
Senator Bucco.

SENATOR BUCCO: Just one, Mr. Herrmann, with the e-check. And I have to, again, go back to talking to my constituents in my district. When the announcement came out that e-check would be available, there was questions about security. And I am also very concerned about security with e-check when you're giving out your routing number for a bank. I think it's something that we have to look into very carefully.

DR. HERRMANN: I think that's an excellent point, Senator, and something, I think -- in a post-election setting, when this is reviewed -- that would be something we definitely would want to have some sort of an answer to.

SENATOR BUCCO: That's all I have.

SENATOR SCHLUTER: Assemblywoman? (no response)  
Assemblyman Baroni.

ASSEMBLYMAN BARONI: I'm good.

SENATOR SCHLUTER: Before you-- You'll be here in the audience. And I want to say, for your benefit and for the benefit of the audience here, that after our meeting in Monmouth County on the 18th of

August, we were challenged by the speakers there. You were not there, Mr. Herrmann. But they said, "Can't something be done to make it easier?" We went back to Trenton the next day, with OLS and others, and we got together a meeting on Monday, which involved you, ELEC, it involved OLS, and it involved the Republican State Chairman, the Majority Leader, staff of the Assembly, the Governor's Office, and other organizations. And I really want to commend you and all the other participants for really turning things upside down to get that check card thing approved.

The next day we met with Treasury. You got two of the candidates to ask for an advisory opinion. You got your Commission meeting on Thursday. So in less than seven days, we turned the thing upside down, and we got check cards approved, which was a tribute to everybody in government for working that fast. And I mention that because there are too many people out there that don't give government their just desserts for what they do, and the good things that they do. And then, of course, that opened the opportunity for the Governor to ask, by executive order, for a two-week extension.

So I think everybody in the system worked very, very hard. And you ought to be commended.

Thank you.

DR. HERRMANN: Thank you, Mr. Chairman. Let me thank you for your leadership throughout this entire process. And I also just wanted to mention that our Legal Director, Nedda Massar, is with us today, and our Director of Public Financing, Amy Davis. And I just wanted to publicly thank them at this point. I'll do it again later. But they worked very hard on this program, I think, as you know. I'm very proud of them.

SENATOR SCHLUTER: My mention of ELEC was including Nedda Massar and Ms. Davis.

DR. HERRMANN: Thank you.

SENATOR SCHLUTER: Thank you.

Now, I think we might-- We have some people here who want to testify. And people might be on a tight schedule. I think it's appropriate to have the minutes approved and have the tenants show that we now have a quorum. We have Assemblywoman Greenstein and Assemblyman Baroni.

So can you-- Can we discuss the minutes? We all have copies of the minutes. Let's take the minutes of August 15. That was an official meeting. We had a quorum.

Do I hear a motion to--

SENATOR BUCCO: Move.

MR. DeLUCA: Second.

SENATOR SCHLUTER: Okay. I have a question on the August 15 meeting. And I would suggest that they -- if it's the will of the Commission to approve them, to do that.

But on Page 3, in paragraph two, there's a person, Nick Naum, who testified regarding his feelings of the Clean Elections program. I wondered if we could try and find out who that is -- if that person was just a member of the public, or if that Nick Naum--

UNIDENTIFIED SPEAKER FROM AUDIENCE: He's a member of the public.

SENATOR SCHLUTER: Nick Naum -- member of the public, is not associated with clean -- Citizens Action or anything like that? (no response)

Okay. Then we can just put -- identify him as a member of the public.

All those in favor of approving the minutes of the 15th, signify by saying aye. (affirmative responses)

Opposed. (no response)

So ordered.

Now we have the minutes of the August 18 meeting.

Do I hear a motion to accept?

ASSEMBLYWOMAN GREENSTEIN: So moved.

MR. DeLUCA: Second.

SENATOR SCHLUTER: Any discussion? (no response)

All in favor, signify by saying aye. (affirmative responses)

Opposed. (no response)

SENATOR BUCCO: Abstain, I was not at that meeting.

SENATOR SCHLUTER: Okay.

So ordered.

Now, do we have any other routine business? (no response)

I think we ought to get some of our-- We have a couple of things to discuss as a Commission, with respect to our schedule after November 8, when we have to really get into gear. And we have to have three hearings, that are required, in different parts of the State. And we have 90 days to get a preliminary report published.

This does not mean that we can spread those three hearings over the 90 days. It is my view that we have to have those hearings very, very fast, because we, as a Commission, are going to be in session for a long time in our discussion and our working on what we're going to recommend.

And that's going to take a lot of work. And it's going to be a lot -- probably take a lot more time than the three hearings.

Then, once we do that, we're going to have to write the report and get a general -- even though this is a preliminary report, we get a general view of that. So we want to discuss -- and then we will want to discuss a possible visit to Maine, or discussion with the Maine people about what the details of their program are.

And now we get to people who want to testify. And I did have Assemblyman Greenwald's note here on top. He was number one.

And we want to have you come forth and present your comments. Keep in mind, Assemblyman, that we want to be brief, and we will have ample opportunity, after November 8, to discuss specific recommendations, specific changes.

**A S S E M B L Y M A N L O U I S D. G R E E N W A L D:**  
Senator, thank you.

It's a horrible reputation I have that I'm not brief. I find that insulting, that I'm-- (laughter)

I want to thank the Commission for being one of the groups that have actually acknowledged the success of this program. I think it is important.

At the last Commission meeting, we discussed the problems with the program, some of the \$5 checks, \$30 checks -- mainly lack of education among the public about Clean Elections. I don't think that's the purpose for me here today. Although there are some definite issues that have to be addressed, today I really think is about talking about the success

of this program and what -- I want to see this program continue to be a success.

Under the original rules set forward in the Clean Elections law, the qualifying date was the week before. We notified this Commission that we had made this a successful program the week before the September 7 deadline. We did it before we had contacted this committee and asked them to expand to the online contributions, between myself and Assemblyman Sam Thompson -- sending that letter asking for that. We, however, in the 6th did not need any of those online contributions that were discussed. I think that's important to point out as to how this is a doable, and possible, achievable event. We did it before the qualifying contributions deadline was extended two weeks, as well -- something that we were supportive of for all the people involved. Again, I think it's important to point that out to show that this was achievable.

We accomplished the goal early, under the original rules, and were still able to file 4,160 qualifying contributions with ELEC. The 4,000-plus checks proved that not only were we successful as a team, but the Clean Elections program, in and of itself, is a success.

Unfortunately, media and other critics chose to concentrate on the fact that four other teams did not qualify and, in fact, labeled the program a failure, as opposed to looking at, to me, a comparison between a model of success, that was proven available, and what was the other candidates' selected process or road to try to achieve this goal. I think that should have been a part of this analysis. I think -- hopefully -- and from what I hear from Ms. Reed and from this Commission, that will be a part of it.

I can't thank this Commission enough, and Chairman Schluter, for being one of the lone voices out there that recognized that the program was a success. And what a difference may it have made if people would have said, "Let's congratulate the slate in the 6th District for achieving the goal and walking away from special interest dollars" -- with the negativity associated with why we made it and others failed part of a deterrent for other people that were out there still contemplating giving contributions to the remaining teams that existed.

How did we get there? We set up our own operation in Oaklyn. We separated from what is considered one of the strongest county Democratic parties in the state. We brought to the table a core group of people who supported us in this effort. And that core group of people is not who I think people would suggest. They weren't political people, they were people that had known us much of our lives, and also people in their own right who were leaders in the community and, therefore, brought a segment of the population to us, as you heard today.

Why would people give? Are they distrusting of the elected official? We thought, maybe, yes. So we thought it was best that people hear about this from other people that they trust. It was one of the reasons why we took that approach. We started out slow like everyone else. We started door-to-door knocking. As we shared with you before, we could hit 20 doors an hour. Out of 20 doors an hour, seven to eight people are home. One out of every 10 people you give -- we found that we were successful on about a 10 percent ratio. That was it. We would never have gotten the 3,000 contributions if we stayed with the door-knocking.

We got the core group together after seven to 10 days and said, “This isn’t working. We’re not going to get there.” And we evaluated the situation, and we decided to change our approach and reevaluate it. We altered our plan to more aggressively ask people closest to us to donate in areas of -- “Find us three people that could give us \$30 contributions, to both Pam Rosen Lampitt and myself, which would be a total of six; and five people that would give us \$5 contributions for both Pam and myself.”

We also asked them to reach out to 10 other people that would host events for us, with at least 10 people that we could talk to and educate them to the Clean Elections process. That started to lay the framework and the bricks of what I think, ultimately, was our success.

At the same time that we started laying this groundwork with house parties, barbeques, picnics, and other gatherings, we made direct contact with voters. The same week that we met with the Commission in Cherry Hill, we went to meet with the *Courier Post* and the *Philadelphia Inquirer* and asked them to promote this program. I don’t know that that was the sole reason that the newspaper and the media started to advertise the program. But it was interesting. When we met with media outlets, their first impression was, “Oh, we’re going to cover it. We’re going to cover it from the qualifying date to the election.” In some respects, that was after the horse was out of the barn. You needed the help prior to, to get people interested in the program.

We sent out a direct mailer to over 4,000 registered Democratic voters who were likely to vote in this election. We targeted them because they voted in a primary or in a general election every year in the last four years. That cost \$3,500. It was paid for completely out of the seed money,

which is why it was so important to qualify for the seed money. What did we find? Interestingly enough, about 400 people gave. Again, 10 percent.

So we really found that the most important aspect to this program-- And I would say to you, for those of you who have done mailings, that's a pretty good ratio, but it was never going to get you to the 3,000. You had to reach out to that community of people that could reach out to another group -- community people.

The house parties started up, and the checks started to come in. We received somewhere between 60 to 65 checks from the advertising that the *Courier Post* did with their coupons. That's what we got. It's a nice number. But, again, it wasn't going to get you to the 3,000. Coupled with the checks that we received from family, friends, my former teachers that we talked about before, our children's doctors, other elected officials, local Democrats, that is what put us over the top.

Assemblywoman Greenstein talked about the involvement of the parties. Some have criticized. Critics have said, and it has been reported in the media, "The reason you made it was because you are part of the machine." That's unfortunate, because it ignores the fact that over 50 percent of those 4,100 contributions came from senior citizens and retired people, which, interestingly enough, is the largest voter turnout in any of these elections, as you all know. They are not government officials or government county workers. They are retired senior citizens and retired New Jerseyans. It is a very important point to point out, which also, I think, suggests the success of this program.

We would all be foolish if we participated in this program in the future and did not go to county committee people. They are the ones

who know us probably better than some of the others who can go out and tell 10 people, and so on, and so on, and help us, through their friends and family to get three \$30 contributions and five \$5 contributions.

But to put it in comparison, in Camden County -- again, one of the strongest Democratic parties anywhere in the state -- there are 208 county committee people that live in the 6th District. All but 70 gave. So that leaves about 130 out of 208 that gave. That's not going to get you to over 3,000 or to 4,100 contributions. It's a part, but that in and of itself won't do it.

We filed contributions with ELEC at every opportunity. And we encouraged, as you remember -- and we've done every time in the press -- encouraged everyone to file at every opportunity. One was to judge the merit of this success, but also to see how people would react and respond to their program that they had in place, as well as for where we are today to determine whether or not this program can succeed going forward. And we will come back to that in one minute.

We found out through that process that ELEC painstakingly reviewed and scrutinized every submission. They looked for unregistered voters, incomplete personnels, employer information; they kicked back checks because names were not spelled right -- people had put things in, as self-employed, which was an unacceptable job description -- and for many other reasons.

They worked very hard. And I want to thank them for working so closely with our people to help make this a success. But by qualifying every time, we were able to, one, fix the contributions, but also communicate with the people that had made the contributions and ask

them for further help -- another interesting aspect of this, an opportunity lost by everyone else who failed to file at every viable opportunity.

I am asking the Commission today to buy into our proposal. Assemblywoman Lampitt -- I apologize -- Pamela Lampitt, Councilwoman Lampitt and myself are asking that this Commission endorse our proposal that we had thought about a long time ago.

What our position would be is the following: I first should point out, we have not received the other party's contributions of \$160,200 yet. We were notified this afternoon. We have not received it as of yet. We were notified late this afternoon. Our plan is to not spend that money. Our goal is not to spend a penny of that money. Our goal is to either return that money to the taxpayer-- The purpose of the money under the law, as you remember, is to insulate the Clean candidates from an infusion of outside capital from some third party trying to sway this election. Our goal is to not spend a penny of that money, to spend only that for which we qualified for.

But we are willing to take it a step further. What we would like to do is to take the money and offer to our opponents a percentage, based on that which they have filed and which has been accepted by ELEC. They are on record, on an e-mail -- on one of the county Web sites that they received 2,400 contributions. They are, from what we can see in reports with reporters that are in this room -- they have said they filed 2,271 contributions. Today, listening to Mr. Herrmann, quickly I add somewhere around 2,127 contributions.

I think it is important that this program succeed. I believe in the idea of the program. I think it is unheard of, and I've never seen

anywhere else in the country, where someone like myself has offered their opponent money that is technically ours under this law. I think, to be fair, it should match their effort, their success, and their voluntary support of the spirit of this program.

I think that we need to know-- We've asked of ELEC-- They say that we are not entitled to the information right now. We can get it from the Republicans. We would ask that ELEC notify this Commission, ourselves, and the Republicans in the 6th in order for us to hand over a percentage of the dollars -- what has been accepted after what was kicked back.

It mirrors a request that came directly from our opponents when they wrote ELEC and asked for 75 percent of the contributions, based on what it was that they filed. We also contacted the Republicans today, and their response to us was that it was fair, both to them, to us, and to the program.

Ladies and gentlemen, I would say to you that this program -- the rules of this program have been thrown out long ago. We have revised this as we have gone along. Some may think that's bad. I personally think that's good, because we are trying to see the spirit of this program live on and exist.

I believe that we need to move forward with this. And while this may not be perfect to any of us, the perfect ideal for all of us who invested in this was that everybody would have qualified. That didn't happen. That is something that we are all disappointed in.

I know, while we don't all support all of this, and that I have suggested today, in order for this program to be a success going forward, we

would ask not just for tepid support from this group, but wholehearted, voluntary, committed support to the plan that Pam and I put forward today, as our opponents have said is fair and reasonable.

And let me tell why, most of all. Somewhere in this, the program has been lost. We have not received the recognition that maybe, selfishly, I think we deserve for receiving over 4,100 contributions and succeeding with the spirit of this program, which was to walk away from special interest dollars, which we have done. And somewhere in this, not only did we not receive the necessary congratulations that the program was a success, and that we took the courageous step to be the first ever to do it, the program is now still not focusing on whether or not the program is a success, whether or not the spirit has worked, whether or not special interest dollars are out; but whether or not we will give the other side the money which was never contemplated under the law, but was only brought up because someone that I deal with on a regular basis, and work with in a media outlet down by us, asked us a question. And I said, "Yes, we have, in fact, been thinking about it."

That is not the purpose of this. And it really was never the purpose to see if both parties had the same amount of money. It was to take special interest dollars out. It is clear to me that the program will be lost and will die on the vine unless we invest money into this program to see if it will work in the spirit of it. But it should match a test of fairness, which has been approved by the Republican party in their own, unsolicited request to you in what they accepted today as fair.

I am happy to answer any questions. The only thing that I would ask, and the only thing that we are suggesting -- which is interesting

that it was talked about here today. If our opponents accept this money, I believe they need to do a couple of things. They must live by the definition and the pledge of what it means to be a Clean Election candidate. In other words, they must, Mr. DeLuca, participate in the debate. They must, if they want the money, they must refrain and admonish any and all personal attacks and negative campaigning. And they must limit the campaign solely to the issues, because that was the purpose of the Clean Election program.

They must also ask and provide us with a confirmed copy from ELEC, unless ELEC will do it themselves, as to the number that was ultimately accepted -- not filed, but accepted. And that is because, ladies and gentlemen, we have offered a number of things through this process, none of which were reported -- and maybe because it is not newsworthy. But we offered them, weeks in advance, that they should file with ELEC, because we notified them of the hundreds of our contributions that were kicked back and had to be fixed. We offered the manpower to help data process their checks, because they said that they did not have the time. And we also offered them every opportunity throughout the way to help them not only data process, but to go through the files and help them organize their checks and file them with ELEC. All of which responses-- We never heard anything back.

There has to be a consequence for the actions of people in this program. We have to set some standard of rules that have to be followed. Otherwise, why did we go through this process if, at the end, it was just going to be, "Well, here's the money anyway."

I'm happy to answer any questions that anybody has.

SENATOR SCHLUTER: Thank you very much, Assemblyman.

I saw that Mr. Herrmann left the room, and I'm hoping he's not left for good--

SENATOR BUCCO: I think that's why he left. (laughter)

SENATOR SCHLUTER: --because there are some questions here that I think he might have some insight on.

MR. DeLUCA: He's back.

SENATOR BUCCO: He's back.

SENATOR SCHLUTER: Good.

If you could come forward, Mr. Herrmann. I think you heard basically what Mr. Greenwald -- Assemblyman Greenwald was saying.

DR. HERRMANN: Yes.

SENATOR SCHLUTER: And he has asked for the involvement of this Commission in an arrangement -- if you want to call it that way -- which would apply to the 6th District, under the Clean Elections.

Now let's have questions from the--

I heard Assemblyman Baroni here.

Your question, Assemblyman.

ASSEMBLYMAN BARONI: Assemblyman Greenwald, I would be more than happy to-- First of all, I think your offer shows that your commitment to the program has been genuine. It's been very obvious by your comments, not just today, but in the past hearings that we've had, including the first one we had at Princeton, where you volunteered to be one of the districts. I think it says something about your character, which

we all know to be good. But to take this risk, this further risk, of not just not taking their part of their money, but offering some of it to them, is remarkable.

The question really becomes -- two. One, what would the structure of this giving money to the Republicans take? And, if so, how could this Commission help accomplish it?

ASSEMBLYMAN GREENWALD: Well, under the law, Assemblyman Baroni, the money -- as was reported today, but is not accurate -- comes to us. We do plan on receiving it, because I do think we have earned the right to at least present the check to them. It should come from us because we have earned it. So that's first and foremost.

The second is-- I think we should look at a formula that is based on the number of 30s and fives, and what the percentage equates to as the total contributions that were asked to be received. And that on an equal percentage as to what they have filed -- and have been accepted -- we would turn over that percentage that was accepted to them, as is consistent with a letter that they sent to ELEC, which I don't know if this committee ever received. They had sent a letter to ELEC asking for 75 percent of the funds, based on what they believed was 75 percent that they had collected. If, in fact, they have received 75 percent, the math that we did in preparing for this -- that is around \$97,000. If that is what was filed and accepted, we are happy to provide them with a check for \$97,000. If it's something more or less, the money would target that.

ASSEMBLYMAN BARONI: It strikes me that there's a couple of--

The second point you said -- how could it be accomplished? There's a couple of ways. The first way could be modeled after the change that was made in the program back in August, where the Acting Governor issued an executive order, essentially going outside the statute and, essentially, using some power that, I guess, Acting Governor's get -- sort of wrote out the statute, which was a good thing. We're all glad that he did it. We're not sure how he did it, but he did it.

With that as precedent, certainly the Acting Governor could do it by executive order.

ASSEMBLYMAN GREENWALD: Bill, I don't think we need that.

ASSEMBLYMAN BARONI: Well, I think--

Well, let me get to the second. The second option I would -- it strikes me that ELEC -- the Commission itself could say that this -- under this particular set of circumstances, a 90 -- whatever thousand dollar -- whatever the number ends up being. I think we can talk in a second about how we get to that number -- would just not be considered a contribution.

Because, right now, you couldn't write a check.

ASSEMBLYMAN GREENWALD: That's where you're wrong. There is actually-- We have, obviously-- This is not something new. I think it's important to show that we have given great thought to this, and we have analyzed it. There is a law that, ironically, allows a legislator to -- or a candidate-to-candidate contribution. Ironically, that was always perceived to be that I could help my running mate. It never specified that it had to be within the same political party. That number -- there is no limit on that number, from what we can see.

ASSEMBLYMAN BARONI: Well, if you're offering, Lou, I'm more than happy to-- (laughter)

ASSEMBLYMAN GREENWALD: I do not want to be accused of wheeling money, Bill, my good friend.

What we would-- However, it allows within the district. I'd love to have you move and change party affiliation, Bill, but we-- But it allows for that. And I think that is the law by which we would follow to do this. It is the cleanest, it is the quickest, and it follows the spirit of what this was, which was to create a level playing field, based on the merit of the success of the candidates.

ASSEMBLYMAN BARONI: Well, Mr. Chairman, if the law seems to -- and of course it would be up to ELEC -- the law seems to be worked out. I would be more than happy to serve -- maybe Mrs. Greenstein could serve on behalf of her colleagues on her side of the aisle -- and the two Republican Assembly candidates to serve as a communications conduit to see -- and move them along, to have them come up with some form of agreement, with you and Councilwoman Rosen Lampitt to come up with an agreement if this Commission decides this is a good idea. I happen to think it is a good idea. I think it goes with the spirit of this legislation. And we should move forward on it. I'm more than happy to help facilitate that communication.

SENATOR SCHLUTER: Thank you, Assemblyman Baroni.

I'd like to, if I may, interject a few comments here, because this has come to my attention before today, from other sources. And I think my comments are directed toward getting to an arrangement which might be successful, or which the Commission should address.

Number one, I think Assemblyman Greenwald is correct in his interpretation of the law. And I understand--

And, Mr. Parisi, can you tell me your view? Because I checked with you yesterday, and you had talked to Peter Kelly on that aspect.

MR. PARISI: Yes. There is a provision in the New Jersey Contributions and Reporting Act that provides for the transfer of money from one candidate to another. I believe it's in Section 1944A-11.3.

Wouldn't that be right, Fred?

I think it's towards the end--

DR. HERRMANN: I think it's 11.c4.

MR. PARISI: --about c4. Yes, it's towards the end there.

ASSEMBLYMAN GREENWALD: You need a life. (laughter)

MR. DeLUCA: You folks need something to do.

MR. PARISI: So it is there, so that would be possible. Although it does-- I will point out that that does speak specifically to contributions of -- that are received from individuals that go to candidates. It does not speak specifically to money -- public funds that would be transferred.

ASSEMBLYMAN BARONI: But, Lou, wouldn't that money already be his?

ASSEMBLYMAN GREENWALD: It's ours at that point. It's from us as individuals to the other candidates. That's my interpretation of it. Obviously, it would be subject.

ASSEMBLYMAN BARONI: So you're interpretation -- it would be easier to give the money to you and then use that section to move it.

ASSEMBLYMAN GREENWALD: Again, I think-- Unfortunately, Ms. Lampitt, who works in administration at the University of Pennsylvania, could not be here today. But on behalf of both of us, we are-- We wanted this program to be a success from the beginning. But, Bill, I hope you can understand that we do-- There is a part of us that feels that proper recognition has not been given to the success of this program -- not to us, but to the program as a whole. And we believe, in order for it to be a success, it-- The law requires that it comes to us. Some level of this law has to remain. And it allows the money to come to us by law. And we believe that it is our gesture that needs to go to them.

ASSEMBLYMAN BARONI: Oh, I don't disagree with that. I'm on the practical -- the quickest and fastest way to make it happen.

SENATOR SCHLUTER: Proceeding, if I may--

So we are going under the assumption that the money that goes to you could be transferred to your opponents through your action.

ASSEMBLYMAN GREENWALD: Yes.

SENATOR SCHLUTER: Now, you mentioned 75 percent, but the total money going to you would be \$130,000, to match the \$130,000 that you got. And if they got the 75 percent which is -- I think you said \$97,000 -- there would be \$33,000 which would be left in yours, which then would be added to the \$130,000, which would be \$163,000 versus \$97,000. So there is that difference under your--

ASSEMBLYMAN GREENWALD: Yes, sir.

SENATOR SCHLUTER: You would have \$163,000 in your resources, and the other side would have \$97,000.

Are you with me, Mr. Herrmann?

Is that correct?

ASSEMBLYMAN GREENWALD: Yes, it is. But, again, I would reiterate, our intention is not to spend a penny of the additional \$130,000. Our intention is to return that to the taxpayers. So, really, the money only remains to ward off some untoward, third party intrusion into the election or some violation of the Clean Election pledge that you have been such an advocate of, and that we would ask them to sign.

SENATOR SCHLUTER: So, therefore, it might not be \$163,000, which you would use as resources, because you might say that some of that then would be -- go back into the Clean Election fund, because--

ASSEMBLYMAN GREENWALD: We are 100 percent committed to not spending that money and to return it to the taxpayers. But the purpose of that extra money -- again, I can't reiterate it enough -- was to preserve the integrity of the program.

I would also say, Chairman, one of the realities -- and we have checked all of this with ELEC before we acted. One of the realities of qualifying was to create a campaign apparatus around us. We did that. That cost us money. So we don't have \$130,000 left. We have spent money to qualify. They haven't, because they haven't qualified. And we have asked them-- It was one of the reasons why we asked what money they spent and how they spent it, because we were trying to factor that into the equation as to what -- how we would come to this formula that we would share this money with them.

When it was not easy to arrive at that number -- and we certainly didn't want them backing into the number -- what we did was, we

came up with this formula. This is our plan that we are moving forward with, and it is tied to that which is accepted by ELEC. And if they say that it was 75 percent, as our opponents say, then that is what we will give them. If it is more, that's what we will give them. If it's less, that's what we will give them.

SENATOR SCHLUTER: I'm not making judgement or trying to pass judgement on the basic question that you've advanced, but you're trying to set some of the parameters so that we can all understand.

Now, under the present situation, the other two candidates -- the Republican candidates are not qualified candidates. And since they are not qualified candidates, they do not, under the law, have to live in accordance with all of the standards, and the regulations, and the requirements of the Clean Election candidate, which is what you have to live by, because you have qualified, and you have committed to be a clean candidate.

But, you see, the other candidates did not qualify. So they could, in a sense, say, "Okay, we'll go along with this," and all of a sudden, they might get \$200,000 given to their campaign a week before the election. And they are not prohibited from getting that under the law. Am I right?

ASSEMBLYMAN GREENWALD: Senator, I am not saying that we are sitting here without risk. Yes, we are. That was, again, the reason why the money flowed -- to protect the credibility of the clean candidate. We are going to ask that they sign this pledge that we would like to work on with you, sir. But we are all only as good as our word.

Now, I do believe the law that, again, we have revised many times throughout this process, would allow for this Commission, if an event were to happen as you have suggested -- that the Commission could appropriate additional dollars to the Clean candidates to allow them to protect ourselves. I believe that's in the law, Chairman.

The problem with that, obviously, is, if a mailer were to go out in violation -- a negative mailer, a personal attack mailer, a mailer that were to cost \$200,000 -- which the people that are involved in this know that's unheard of -- and it were to hit two or three days before, we are somewhat defenseless. But we are going to trust that people will live by this.

SENATOR SCHLUTER: I would like you to expand a little bit about our power to allocate money. I don't think we have any power to allocate any money.

ASSEMBLYMAN BARONI: I think what he's referring to--

DR. HERRMANN: I think what the Assemblyman is referring to is the part of the law that says that if your opponents raised more than the initial amount, that you would get up to \$50,000. That's in the law.

MR. PARISI: Yes, but that's ELEC's function, not the function of the--

ASSEMBLYMAN GREENWALD: But I believe the Commission has to approve--

MR. DeLUCA: The Commission has a function. The candidate comes to this Commission, I believe.

ASSEMBLYMAN GREENWALD: Right, I don't go directly to ELEC. I think I have to come to you, and then you approve -- you send a recommendation.

ASSEMBLYMAN BARONI: I think there is a role for us in these emergent circumstances, where a third-party group expends resources, or a candidate expends resources beyond the spending cap. There is a role for the Commission.

Linda, do you remember?

ASSEMBLYWOMAN GREENSTEIN: Specifically, no.

ASSEMBLYMAN GREENWALD: And I think, also -- I might add -- I think I can also-- We have frozen my political action committee, PAC. My PAC is frozen. I can also come to this body and ask for a recommendation, from you to ELEC, to unfreeze that account, which would allow me to spend money in our own defense, as well. I am hoping that it doesn't get to that point. I appreciate the Commission's interest in dotting these *Is* and crossing these *Ts*, because it clearly is something that we have struggled with in this notion of fair play.

SENATOR SCHLUTER: The only thing -- and I'm not as well-versed on the law as others are. The only thing I can remember the law said was that this Commission, the Clean Election Commission-- Don't forget, the law says we are the NCCEC -- NJCCEC. They are the Commission in the law. When the law talks about Commission, it's the Election Law Enforcement Commission. We are the New Jersey Citizens' Clean Elections Commission. And sometimes those--

And the only thing I remember, that we have a specific duty, is if a candidate wants to get out of being a Clean candidate and remove themselves from that, we have the power to say yes or no. But I don't know that we have the power, respectfully--

ASSEMBLYMAN GREENWALD: Chairman, that may be. And that may be what I'm thinking of, also, which is that if the circumstances were to create themselves that you have outlined, where they were to have a flood of outside money come in, we would have to come before the committee and ask to be relieved from our status in order to defend ourselves.

SENATOR SCHLUTER: Is there a way-- This is-- Forgive me, this is sort of a work in progress, because it's falling on a lot of people as a first impression right now. But is there a way that if you're talking \$97,000, and there is an extra \$33,000, as we've talked about before, which is the excess-- Is there a way to stage the granting of that money to the opponents in time so that as long as they don't misbehave or they don't violate any of these things and get extra money in, then they get the next installment? I just wonder if -- and I don't speak for the Commission. But I'm just wondering if something couldn't be crafted--

ASSEMBLYMAN GREENWALD: Senator, that is reasonable.

SENATOR SCHLUTER: --very fast by, basically, your staff and your talents, Assemblyman, to put something in that would put us in a position that we could say, "Okay."

ASSEMBLYMAN GREENWALD: Did you get the *talent*? I want to make sure you wrote down the talent part. You can write that part down. That would be helpful for me. Thank you.

SENATOR SCHLUTER: Did you introduce your friend here?

ASSEMBLYMAN GREENWALD: This is my friend Alan Gunther, from the *Courier Post*, everybody.

Yes, I understand, Senator. But, Senator, what does that do to protect us in a last-days rush of outside money coming in?

SENATOR SCHLUTER: If it's staged, probably enough thought is given to it -- in the money going to them in increments. Because from what I saw in some person's report -- it might have been in Mr. Gunther's report -- that they say they got \$1,200 to spend right now.

ASSEMBLYMAN GREENWALD: Well, you know, one of the reasons why we -- I'm very proud of this plan, as is Pam -- is because they have been on record saying the most they could raise in any election is \$20,000. If their numbers are right, this would give them upwards of five times that amount, more than they could ever have.

SENATOR SCHLUTER: But they-- It seems to me that since they are not required by the law to do everything that you have to do as a Clean candidate -- in order to provide the incentive -- to incentivize them to be Clean candidates -- if you had a staged release of that money. And then, maybe, people could advise you that they, so far, have been--

ASSEMBLYMAN GREENWALD: Senator, I don't know. Maybe--

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible). Section 19 in the law, right here, spells it out for you very clearly. This can happen.

SENATOR SCHLUTER: I'm not saying it can't happen. But I'm saying to stage it. In other words, what people might be concerned about is giving them a whole \$97,000 and then he still misbehaves.

ASSEMBLYMAN GREENWALD: Senator, let me ask you this. Maybe Mr. Baroni has raised a point that, I think, is interesting.

Maybe through this Governor's unique power as executive order, he can name them Clean candidates, which would bring-- Maybe they are Clean candidates at that point -- at a number ascertained as what-- Once they accept the money, they become Clean candidates and, along with that, suffer all the same penalties and fines if they are in violation of this.

SENATOR SCHLUTER: Assemblyman, I would like a little bit more research on those particular points, personally.

Do you have comments? It looks like you're champing at the bit to--

DR. HERRMANN: Just two things. One, I think part of it would be governed by law. The other part sends, like, a gentlemen's agreement. So the idea of the executive order, at least, would codify it and would be something that could be administered and enforced if it has the force of law. Otherwise, you've got a gentlemen's agreement, I think, at least for part of it.

SENATOR SCHLUTER: And are you saying that the--

DR. HERRMANN: In other words, if Assemblyman Greenwald and Ms. Lampitt give a certain amount of money to these other candidates, and there's an agreement -- "Okay. We're giving you the money, but then you have to comply with certain things" -- that's a gentlemen's agreement. I don't know how ELEC could enforce that.

ASSEMBLYMAN GREENWALD: I would like to say to you, I and Pam are prepared and willing to move forward on this on a handshake. I still believe in that. That's why we did this. I don't need anything more than that. If they violate it, I would hope and pray that all of you -- many of you who are my friends from both political parties -- would step forward

in outrage, and that the newspapers would, as well. That was the purpose of this. And I don't want to complicate this.

I believe in the idea, and I believe in the handshake. And we're ready to go. We want people to hold up to their end of the bargain. And I am asking my friend here, who will not give me the information-- I would like to know, ultimately, what was accepted. And I am in trust that they were with the same scrutiny that they were with us.

For instance, he kicked my wife's check back, which we had to fix, because she is registered as Ingraldi-Greenwald, and signed the check Cynthia I. Greenwald.

We worked hard at getting all these checks qualified. And there should be an equal effort. And that's what we expect.

ASSEMBLYMAN BARONI: Well, the Commission wants to know, did she write you a \$30 check or a \$5 check? (laughter)

ASSEMBLYMAN GREENWALD: You know-- (laughter)

SENATOR SCHLUTER: My concern is, if you're asking the Commission to put its full weight of its influence and its reputation behind an understanding, we've got to know the downside, and what might be embarrassing to the program by somebody who pulls the rug out from it or somebody who does something deceptive down the line. We would like to guard against that, I think, to the maximum that we could.

Yes, I can see a handshake. Yes, I can see everything working out. And I'm not a lawyer. Most lawyers are the ones that figure that there's always something behind the bushes and some risk.

ASSEMBLYMAN GREENWALD: And I would say to you that that's why they say the worst counsel you could give is to yourself.

That's why I would never represent myself in court. But what I would argue is, we have -- I have my PAC that has money in it. If they were to violate this, we would ask to be relieved from our status -- not our standing, but our status. We would hope that we would not be vilified in the press for doing that if huge sums of money came in. We have a right to protect our beliefs. And I believe in our vision for this election. And that's what we would protect.

I think-- I am going to trust that these people will do the right thing. You have an obligation for this committee to have a comfort level for yourself. As of right now, this is our plan moving forward. We don't have the money, as we speak. The irony is, there's been this push to give them the money. We haven't had it yet. So that's the first thing.

So there's some time for you to think about it, as well, and work with ELEC to get a comfort level. Time is running short though.

SENATOR SCHLUTER: Absolutely.

I want to say-- I've talked too much, because I want to hear from Commissioners.

But for the Clean Election Pilot Project to work, it would be very nice to have a situation in one district where there are two pairs of candidates who are operating in a campaign in accordance with what was considered, which is the exact same amount of money, same amount of resources, and they have qualified by getting them from the sources.

Now, it will be very hard for us to analyze what is happening in the 6th District or what is happening under Clean Election if you have one set of candidates who got the money and the other set doesn't. How are you going to measure that? And I'm sure that Eagleton's people are

probably ringing their hands on that. Do we have to start at ground zero in the next election? So we have to look at it in that sense.

I've already talked too much, so let's start--

Senator Bucco.

SENATOR BUCCO: Thank you, Mr. Chairman.

I do like your suggestion of having an executive order, Assemblyman Greenwald. First of all, I do appreciate your coming here and your proposal. I think it's very magnanimous. But I think by giving the other candidates--

Well, this has been an experiment, the first time it's happened in the State of New Jersey. And many times, I think, experiments have to be adjusted to get to the end. And I think the suggestion of getting an executive order to give the candidates that money that they tried so hard to get -- and only in this district. I'm not talking about the other district that both sides failed. Because I don't think either one of them should get anything. But I think in this instance, maybe it should be that way. So we can gauge how this election goes, and locking in my Republican candidates into the same rules and regulations that you have to abide by. I think we have to lock them into that.

ASSEMBLYMAN GREENWALD: Senator, the only thing I want to be clear with is, I would not endorse an executive order that says that we have to give them the money. It's our money. No one should be able-- No government leader should be able to direct somebody how or what we should do with our money. That should be our generosity, our idea, and our gift.

SENATOR BUCCO: Oh, absolutely.

ASSEMBLYMAN GREENWALD: But once the money is given, they should abide by this. I'm willing to go with the handshake agreement. If this committee would like to approach, obviously, the Governor's Office, we wouldn't object to that. We certainly can't stop you. But the executive order should only exist as to naming them as Clean Elections and upholding them to the same standard and the same fines and penalties.

SENATOR BUCCO: Same scrutiny. Absolutely. That's what I'm saying to you. I mean, why should they be, as unqualified candidates, not within the rules that you as a qualified candidate have to live with? And that's what I'm saying. Let's make it a level playing field.

SENATOR SCHLUTER: Well, the--

I think, Senator, if I can understand, your comments in favor of an executive order would establish the fact that the Republican candidates would, under law, be Clean candidates, the same as them.

SENATOR BUCCO: Absolutely.

SENATOR SCHLUTER: And the executive order could be--

SENATOR BUCCO: They'd have to participate in the debates, they would have to--

SENATOR SCHLUTER: The executive order could be fashioned on -- whereas, the Democratic candidates are advancing so much money to the Republican candidates; whereas, the Republican candidates are willing to accept that money and to become Clean candidates; now, therefore, we have this executive order.

SENATOR BUCCO: I think the media would help.

ASSEMBLYMAN GREENWALD: Let me say to you-- And this is one of the reasons why I will tell you that, ideally, I believe in the handshake agreement and, quite honestly, sir, I believe in your handshake agreement with me here today, as well as Bill's, that you will hold them accountable.

I don't know the legalities at this point, as I sit here and put my lawyer hat on for a second. If they are named Clean candidates by the Governor, by some law, are they then discriminated against if they don't have, dollar for dollar, what we received? And could they file a challenge and a lawsuit against that? I don't know the answer to that.

SENATOR BUCCO: Well, I'm not a lawyer, Lou.

ASSEMBLYMAN GREENWALD: But I would rather-- But I am. And I would say to you that I don't know if that would open that issue or if some third party could file that on their behalf. And I come back to, if they are accurate with the amount that they are asking for, and what they have filed, that puts them pretty much on par with us after our operation has been set up to achieve this success and to move forward with this campaign. It's not like we have \$130,000 and they have \$97,000.

We, through ELEC -- contacting the appropriate channels, asking the appropriate questions -- spent money in order to achieve this goal through a political apparatus, a campaign team that we put in place. In all honestly, to give them \$130,000, after they did not do that, they would have more than us, which would put us on uneven footing. This is what allows us, and is part of what factors into, our sense of fairness in this.

SENATOR SCHLUTER: She had her hand up first.

Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

Good -- I guess -- evening.

One thing I wasn't sure if you--

Well, let me start by saying that you do deserve commendation. After listening to the process that you followed -- and I wasn't aware of all the steps -- you did a lot in a very short period of time. I remember, at one of the August meetings, you were in, and you weren't sure if you were going to reach that point. And in just a couple of weeks, I guess you were able to do a tremendous amount. And I really give you credit. Because in the-- I know the kind of district I have, the kind of district you do, you're doing a lot of work that I really commend you for doing.

ASSEMBLYMAN GREENWALD: Thank you.

ASSEMBLYWOMAN GREENSTEIN: Does the other team definitely want to go through with this? Do you have definite word on that?

ASSEMBLYMAN GREENWALD: We contacted their campaign manager today. My understanding is that his words were, "That sounds extremely fair, not only to us, but to them, but as well as to the program." Now, obviously, we are communicating with their campaign manager. I don't think he spoke out of turn. I would find it hard to believe that a campaign that has \$1,200 in the bank would thumb their nose at this offering.

ASSEMBLYWOMAN GREENSTEIN: So they, clearly, have had -- it sounds -- a hard time raising money. And this is going to give them a lot of additional money.

ASSEMBLYMAN GREENWALD: Again, historically, Linda, they are on record saying they can raise about \$20,000.

ASSEMBLYWOMAN GREENSTEIN: And as of recently, they had about \$1,200, you say.

ASSEMBLYMAN GREENWALD: But, of course, they had been blocked from raising money because they have been in this process.

ASSEMBLYWOMAN GREENSTEIN: That's true.

SENATOR BUCCO: Right. Absolutely.

ASSEMBLYWOMAN GREENSTEIN: How much will they end up getting if this deal goes through?

ASSEMBLYMAN GREENWALD: Linda, the reason why we are conditioning this, or equating it to what is accepted, is because this has been our intention all along, under the theory that the Republican party in Camden County was not as strong as ours. It's why we urged them to file at every filing date.

We have no idea how much they have. Just as you came here today and said, "Well, how many do they have?" we have no idea. And you can trust that when -- obviously when we're looking to hand this over, we would like some verification as to what it is.

ASSEMBLYWOMAN GREENSTEIN: I actually meant something a little different. I meant what were you intending to give them? How much would they have from you?

ASSEMBLYMAN GREENWALD: If they collected 2,000 contributions that equated to two-thirds of the 30s and two-thirds of the five, then we would give them two-thirds of the money. I mean, I think that's pretty simplistic. If they're at 75 percent, they get 75 percent. If

they are at 50 percent-- This is only as good, again-- This comes back to the handshake. They have given us their word that this is what they have.

I believe they have said to the press that this number is what was accepted. I don't know. I can't imagine that they only had 70 kicked out, when we literally had hundreds kicked out. I don't know. But they also said on the e-mail that they have 2,400. So it would be conceivable that they could have 2,100, 2,200, which would put them somewhere around \$97,000.

ASSEMBLYWOMAN GREENSTEIN: I mean, clearly, for this to work, it's great to have both sides have it. The only question I suppose that this Commission has to consider, as you said, Mr. Chairman, is how this will affect the analysis that we have to do of the success of the program, and what we need to change. But there's no question-- It's only fair that if you're going to be under these strictures, that the other side be under the same ones. I don't see how else it really works.

SENATOR SCHLUTER: Before I ask Mr. DeLuca--

Does Mr. Herrmann or anybody know if they have received additional contributions, other than the 2,170, that they haven't turned into ELEC? Did they receive any--

DR. HERRMANN: Not to our knowledge.

ASSEMBLYMAN GREENWALD: Again, they would be-- We are still receiving contributions, Senator. And we still turn them in, and Fred still kicks them back. (laughter) But that's not really-- We still turn them in, because it defers the cost of the program. That should not be acceptable, because this is, far in excess, past now.

SENATOR SCHLUTER: But you don't know the answer to that, in other words.

ASSEMBLYMAN GREENWALD: No.

DR. HERRMANN: As far we know--

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible). We've been advised, as all the other candidates, that if we receive any checks, turn them over.

SENATOR SCHLUTER: So you must assume that they're not holding any back like--

UNIDENTIFIED SPEAKER FROM AUDIENCE: And we also have an advisory opinion now pending.

SENATOR SCHLUTER: Like the 13th District had not turned them in. It's not like that.

Mr. DeLuca, you-- I'm sorry to--

MR. DeLUCA: Yes, thank you, Mr. Chairman.

First, I want to say to the Assemblyman that I gave-- I think I gave you a bit of a hard time at the August 15 meeting on this, because you were saying that this was a difficult process. And I just want to say that I'm taking all that back, and I'm congratulating you tonight, because you've done a tremendous job.

ASSEMBLYMAN GREENWALD: Thank you.

MR. DeLUCA: And I agreed with you then, and I agree with you now, that it is achievable. And I think it's a program that's important to uphold.

My feeling here is that you're the only candidate -- you and your partner are the only candidates that qualified. You are the only ones

who should get the money directly from ELEC. And I think your gesture here of willing to contribute that portion of the money that you are entitled to, to make this program work, is one that we ought to support. And I agree with you that it should be a decision made between you and their candidacy, with our support. And I don't think ELEC should be involved, other than to tell you what was the percentage of checks that they actually submitted.

As far as protection from yourself, I think that you would want to keep them in the nonparticipating definition. Because as I read the law -- and I'm far from being a lawyer -- if they're a nonparticipating candidate, and they spend more than the \$130,000, don't they get -- this team would get more money from the program. So you have the safe -- some safety there that if they spend more than you're getting, you get up to \$50,000 each. So that's \$100,000.

Additionally, if there's a third party, or even if the political party comes in and spends money, you would get another \$50,000 each. So I think there is a question of timing. But it's inherent that -- the problem is inherent in the law -- that the only way you're going to find out about this -- on the 29-day and 11-day filing, when you find this.

But I think that you deserve the credit, you deserve the funds. And I think that what you're doing is making the program work. Right now, we have programs, but we don't have -- nothing is working. And you're about to make this work. And I think that your commitment of staying just at the \$130,000 is admirable, and returning the other money to the taxpayers is equally admirable, and giving whatever balance on the

percentage to your opponents, so that you can both have it-- I think it will allow us to measure--

In fact, I actually think it is going to help us. Because one suggestion has been that we have stages of qualifications in the future, that you meet some threshold, and you get some minimal amount. And then as you reach more, you get more. So, in essence, you're helping us evaluate that, because even though your opponents would have somewhat less, it still would be public money. And we'd be able to see how much they're able to achieve, versus what you're doing.

And, finally, I just want to-- We talk about the reality. The reality of the situation is that-- As I read this *Philadelphia Inquirer* opinion today, in the last two 6th District elections, the Democrats spent \$671,000, Republicans, \$22,000. This is a major boost for them.

ASSEMBLYMAN GREENWALD: Let me just say, Victor, I'd like to correct that if I can.

MR. DeLUCA: It's wrong?

ASSEMBLYMAN GREENWALD: Absolutely.

MR. DeLUCA: Your side or their side?

ASSEMBLYMAN GREENWALD: I don't--

MR. DeLUCA: Let's just--

ASSEMBLYMAN GREENWALD: I think it's both. Let me explain it to you, because I think it's important.

MR. DeLUCA: Okay.

ASSEMBLYMAN GREENWALD: I have raised, in the last cycle, roughly \$500,000. If I spent \$500,000 to get myself reelected, I would be the dumbest person on the face of the earth. We spent, roughly,

\$30,000 myself, and \$30,000 -- Mary Previte, who is in the district with me. That, just by coincidence, is how you got to the \$65,000 per candidate, which was necessary to win.

MR. DeLUCA: Okay.

ASSEMBLYMAN GREENWALD: If we had spent the \$500,000, you would be putting \$500,000 on average into this.

Is that not right, Mr. Herrmann?

So when they report that we spent \$600,000, it's a gross distortion. It's what I raised.

Now, what did I do with that money? I do the same thing that my friend Senator Bucco does, that Bill Baroni will someday do if he is successful, that Linda Greenstein will do someday as her career goes forward. We are helping to build our party, because I believe in my vision. And I want people that will share my vision and not fight me on that. So the money that I used, I helped -- no offense to Bill -- I helped my good friend Linda get elected. Because Linda, of course, supports my budgets, and things like the cancer centers, and things like that. That's where the money went.

Now, what did they spend? I really don't know. They say \$20,000. They put out, really, five, six, seven magnificent pieces two years ago. I don't have those pieces. I don't know what the paid-for line is. I don't know who paid for them. But they were able to put out five, six, seven pieces. I know from experience, that costs about \$90,000.

MR. DeLUCA: So it came from somewhere.

ASSEMBLYMAN GREENWALD: It came from somewhere.

MR. DeLUCA: But this program -- at least they're going to have public funding of somewhere -- some percentage -- 60 -- two-thirds.

ASSEMBLYMAN GREENWALD: It takes the special interest out, which was the goal of this, which is what we're trying to get back to.

MR. DeLUCA: So I think this is something we ought to support. It's, I think-- I would agree with you that as easy and quick as we can make this-- And if you can come up with an agreement -- handshake or some agreement where they agree to qualify. There's also requirements of filing reports, at the end of this, by the candidates that lose, if they're willing to do some of that.

But I think you want to look at this. And I'm really concerned about having any kind of executive order that would make them qualify, because, also, how would you deal with the candidates in the 13th District? Why won't they come back and say--

ASSEMBLYMAN GREENWALD: "What about us?"

MR. DeLUCA: --"What about us? You exempted the people in the 6th District. What about us in the 13th District?"

SENATOR BUCCO: Neither side qualified, though, in the 13th.

MR. DeLUCA: But now you're lowering the bar for what you're calling a *qualification*.

SENATOR BUCCO: But this is Assemblyman Greenwald and his running mate that are saying that they're willing to do this.

MR. DeLUCA: Right. But if we're using the executive order process to qualify the other candidates, that's below the bar.

ASSEMBLYMAN GREENWALD: I would, at this-- I would like the time to allow us to go back and review the law, and read it again. Obviously, as you can imagine, when you are involved in this process, both as a candidate -- you're not-- You read it differently.

I'd like now-- We've had to play our cards close to our vest, because we didn't want to skew the system. We wanted it to be a fairly based system. We wouldn't be having this discussion today if they had qualified.

So let us go back and review this, as you review it.

And, Mr. DeLuca, if your analysis is correct, then they don't have to be named. If they violate that expenditure, if they go over the \$97,000 -- is what we would argue to them in a pledge that we will ask them to sign -- or whatever that percentage is of what is accepted-- If they go over that amount, then clearly we are entitled to \$50,000 per candidate under your theory, as well as the additional money, if we would elect to use it, that is there for that exact purpose, which is to protect the Clean candidates, and their character, and integrity.

SENATOR SCHLUTER: Excuse me.

There's a lot going on here that is beyond me, because I'm not a lawyer, too. But that might be cleaned up in an executive order. And I think your concern about the fact that the 13th District might put in a bid for this, because the 6th District got it, could be taken care of in the executive order, as you do in legislation. You make it cite specific by certain things. If one set of candidates has qualified, then this executive order shall-- And since nobody in the 13th District qualified, then they would be excluded.

Be that as it may, I think we have to move on. We've got other people here. We've got other business to do. But the \$97,000, as far as going over that limit -- that would have to be in an executive order, in my opinion, because the present law is \$130,000.

DR. HERRMANN: I think our legal staff is agreeing with Assemblyman Greenwald that we have a concern about an executive order giving rush to some more challenges. So, perhaps, the best framework would be to do this as a gentlemen's agreement.

ASSEMBLYMAN BARONI: Mr. Chairman, it strikes me--  
And, Assemblyman Greenwald, forgive me if I'm incorrect.

But, basically, we're just -- if we can facilitate a conversation with you and your running mate, and your two opponents, and sit down over chicken soup down there at the diner--

ASSEMBLYMAN GREENWALD: We can do better than that for you, Bill. (laughter)

ASSEMBLYMAN BARONI: We can, sort of, make this happen, right? So maybe we can absent the Acting Governor and anybody else.

ASSEMBLYMAN GREENWALD: I'm really-- I come here with the best intentions. I don't want to complicate this. I am fearful that an executive order complicates this, with all due respect to everyone here.

This program has mutated through many different forms. I want to look at the bill again to see, if we do this, what are our rights if it is abused. I truly believe, on my soul, that no one is going to abuse this. I hope I'm not naïve in saying that. I think that you would be so skewered for -- after accepting such a gift. I can't imagine anybody doing that.

ASSEMBLYMAN BARONI: And, Chairman, I will reach out to your two opponents as the Republican Assembly member of this panel. And I'll reach out to them and strongly suggest to them that they communicate with you and work this out. Because I think it's good for the State and good for your district. I think it's-- So I will reach out to both your opponents and strongly urge them to participate in this with you.

ASSEMBLYMAN GREENWALD: And I want to congratulate them, as well, because that may be overkill. They've agreed to do this, and they should be complimented for agreeing to do this. It is those of us who have been through so many battles that we worry about these things. And the reality is, I really feel very confident that this is a good thing, and the right thing, and that they will honor this.

SENATOR SCHLUTER: Well, I have a couple of quick comments, and I think we can conclude this part of our program.

Incidentally, Assemblyman, you brought up the executive order. It wasn't our idea.

ASSEMBLYMAN GREENWALD: Bill brought it up, and then I thought about it, and then I took it back, which is-- (laughter)

SENATOR SCHLUTER: All right.

ASSEMBLYMAN GREENWALD: That's how--

SENATOR BUCCO: Just like an attorney.

ASSEMBLYMAN GREENWALD: That's exactly right. Thank you.

ASSEMBLYMAN BARONI: To paraphrase a famous Senator, "We were in favor of the executive order before we were against it." (laughter)

ASSEMBLYMAN GREENWALD: That's right. Now we're adamantly against it.

SENATOR SCHLUTER: I think that there are some things that have to be put down in writing as an understanding. There's this business of the \$33,000 that I mentioned before, which is a possible -- whatever it might be called.

I do want to ask one question of Ms. Reed, because she has followed this, and she's got a good outsider's viewpoint on the program.

Is this going to be a net plus, or would it have to be an equal amount of resources for both sides? Or is the differential of lesser consequence than the benefit we will get from seeing a contested election? Could you comment? Could you come up here and comment?

MS. REED: Clearly, this is a complication, because you are working out an arrangement -- one that I think a lot of people would applaud.

My sense is, whenever something is complicated -- if you have to explain it, it makes it more difficult to move ahead. We want to do-- What you're really saying is that, "We want to model a Clean Election as close to what was envisioned in the pilot project." And so what was envisioned in the pilot project was that people would get the same amount.

When you have to start explaining why you didn't get the same amount, and why it's this number versus that number, my guess is that it will detract from moving ahead and running the election the way it was envisioned in the Clean Election project. But if you have a very clear statement of why you have the disparity, and everybody sticks with that statement, it probably could work. But I think that time is now of the

essence to get on with -- if this is what you're going to do. If you're going to have an arrangement to have a Clean Election in District 6 -- to get together with a very clear understanding of what you're doing and saying, "Even though the transfer of money is not the way we envisioned the candidates being funded, we are now moving ahead with exactly the same rules. And, therefore, it will be a Clean Election."

To make it simple, it would appear that -- if you stuck with the original number, that would be the easiest way to explain it. If you're not, then there should be a statement that is less than 12 words that says why we have this kind of number, and that it doesn't become an issue in the campaign. Because that is exactly what would not be happening if you were operating under the Clean Election project.

MR. DeLUCA: Mr. Chairman.

MS. REED: That's my off-of-the-top-of-the-head reaction to something that sounds very intriguing, that's being proposed here today.

SENATOR SCHLUTER: Thank you, Ms. Reed.

Yes, Mr. DeLuca.

MR. DeLUCA: Would a simple statement be that one set of candidates met 100 percent of the qualifying amounts, and the other set met 75, and therefore the amounts were given that way?

MS. REED: That's very clear. And then everybody should agree that's that what they're going to say, so it doesn't become an issue.

SENATOR SCHLUTER: And it would be explained that the way that is facilitated is because the one who got the 100 percent was willing to make it happen, and was willing to facilitate and to be sure that

that other person got the 75 percent. And only through their interest in the program and their support of the program did that happen.

Now, I think, if I can sum up what I hear around here -- that, Assemblyman, we can, as a group-- We can support, or we can endorse, or we can say, "We think this is a good idea." And I think that that would be helpful to your cause. But we would like to see more detail, as you said you would produce. And the ball is in your court.

ASSEMBLYMAN GREENWALD: Chairman, thank you.

Again, I think it's really -- it's not to promote us as much as it is the program. The program needs somebody to stand up and say this is working. And, right now, that's just not happening.

SENATOR SCHLUTER: And we've heard from Ms. Reed that it's better this way than nothing.

MS. REED: But I think you do need the agreement that you're going to live by the rules that were outlined for a Clean Election and not make money an issue in the campaign. So there has to be an agreement that you're satisfied with the money arrangement.

SENATOR SCHLUTER: And both sides would be expected to--

MS. REED: Yes.

SENATOR SCHLUTER: Excuse me, you had--

MR. DeLUCA: Well, I was just going to ask a procedural question. Couldn't we approve a motion of the Commission that says, subject to an agreement between the parties, the Republicans will abide by the rules, and there will be a transfer based on whatever the percentages

that ELEC certifies for them -- that we endorse that so that this can move forward? Because we're not going to meet again before--

SENATOR SCHLUTER: I think we'll get the statement, and a sense is that we're for this. And if we just circulate that statement to everybody by e-mail -- unless anything comes up that is -- does violation to it -- I think we would automatically say--

MR. DeLUCA: So we would approve this by e-mail?

SENATOR SCHLUTER: Yes, that this is -- that it's subject to this. And I don't see any problem with us going on record after that -- after the statement is submitted.

Yes.

ASSEMBLYWOMAN GREENSTEIN: As one of the sponsors of the bill, I definitely want to respond to something that Assemblyman Greenwald said.

You're absolutely right. The press did seem to cover this as if it weren't successful. And I keep saying this is exactly what I envisioned as a sponsor of the bill. I envisioned that there would be kinks, and problems, and that the purpose of this Commission was to work them out. So I'm not at all surprised that there were problems with the program -- some big, some small. And this is exactly what we thought might happen. And that's why we have the Commission. So I see it as a success, because it's moving ahead, everyone's having different results, we're going to work out the kinks, and I believe it can be very successful. And your district is showing that that can be the case.

ASSEMBLYMAN GREENWALD: I think the program is better today than it was when we started, in many respects.

SENATOR SCHLUTER: Hearing nothing further from our Commission, we'll proceed.

We'll wait for you. We'll work closely with OLS, with ELEC, with myself to get this turned around.

ASSEMBLYMAN GREENWALD: Chairman, we really need someone to certify what was accepted. I don't know if an OPRA request would qualify, if we filed an OPRA request with ELEC. I don't know where Fred--

You can whisper it in my ear. I'll take anything.

DR. HERRMANN: Yes.

ASSEMBLYMAN GREENWALD: We need to know what that number is, really, for us.

DR. HERRMANN: Let me throw this out to you. It is a gentlemen's agreement. We will speed up our processing this. We think by the middle of next week we will have those numbers. We will give it to them. I don't think you should take it on faith. I mean, you want to see it. We will give it to them. And the agreement is, "If I'm going to give you the money, you've got to show me these numbers that ELEC gave you."

ASSEMBLYMAN GREENWALD: But can I bring it to you to confirm that it is your letter, it hasn't been altered, and that is--

UNIDENTIFIED SPEAKER FROM AUDIENCE: There will be a letter from us that goes with it.

DR. HERRMANN: We'll make sure that what you have is correct.

ASSEMBLYMAN GREENWALD: Is accurate and correct.

DR. HERRMANN: Yes.

ASSEMBLYMAN GREENWALD: Thank you.

SENATOR SCHLUTER: If we have the framework of the statement from you, which is agreed to by your opponents -- by the--

ASSEMBLYMAN GREENWALD: We will work on that immediately, Chairman.

SENATOR SCHLUTER: If you can get that, even before you get the number from him--

ASSEMBLYMAN GREENWALD: Yes, Chairman, we'll start on that tomorrow.

SENATOR SCHLUTER: --because we could, as a group, accept that, even without getting the final 75 percent, or 72 percent, or 78 percent.

ASSEMBLYMAN GREENWALD: Yes, sir. That's a great idea.

SENATOR SCHLUTER: All right.

ASSEMBLYMAN GREENWALD: Wish I thought of it.

SENATOR SCHLUTER: Thank you. (laughter)

Thank you for your regular, brief presentation. (applause)

Thank you, Assemblyman.

ASSEMBLYMAN GREENWALD: Thank you, everyone.

SENATOR SCHLUTER: Now, we have several other people who want to testify. But we do have some business for the Commission before we adjourn.

And Abigail Caplovitz, from New Jersey PIRG--

And I know you'll make it short. (laughter)

**ABIGAIL CAPLOVITZ:** I'll make it short, I promise.

First, I just wanted to thank the Assemblyman. That's an extraordinary--

SENATOR SCHLUTER: Speak right into the major -- that one, single mike, there. You might want to pull it forward.

MS. CAPLOVITZ: First of all, we really want to thank Assemblyman Greenwald for that extraordinary offer, because it really does make this project a success. We agree that he proved it could work by qualifying. And we appreciate his disappointment in the more universal judgement that this has not succeeded.

We recognize he succeeded. But we would like to point out that he is an experienced incumbent who has been -- had a long career, and has known how to go about doing this. And it's perhaps not -- of all of the candidates who are trying to do this -- perhaps not surprising that his team is the one that succeeded. So we hope you do not walk away with the lesson that this is achievable by just everyone, because this is not just about taking special interest money out of politics. That's one extraordinarily important part of this, but it's also about opening up the playing field to nonprofessional politicians. We really need to get a civic society, that we no longer have in New Jersey, going.

And so it's incredibly important to know that the other candidates did not succeed. And we take very deep appreciation in this committee's already making the efforts -- I'm a little tired, not articulate -- but to tweak the system, as best you could within the existing rules, to make it work better. That shows your commitment to making this work -- the incredible turnaround on extending, and even the interesting legality of the extending, the deadline -- however it worked. We really appreciate those efforts, and they reflect your commitment.

We look forward to working with you. All of us in the public interest community look forward to working with you, to fixing this program, to make it so that not just the professional politicians, who know exactly how to do this, succeed down the road. And if you guys put -- as you put forward proposals and all the rest-- We're happy to help you make that work as -- any way we can, because we believe this is incredibly important. And we appreciate all your efforts.

Thank you.

SENATOR SCHLUTER: Thank you.

Questions of Ms. Caplovitz?

MR. DeLUCA: Just one, Mr. Chair.

I think many of us do hope that this opens up the process. And one of the ways that that's going to take place is by opening up the primary elections. And I would hope that you might come back with some testimony as to how you think that could happen, and just give some examples of how you think we can further our civil society, that you talk about.

MS. CAPLOVITZ: Thank you very much for that invitation. And when you are ready to take detailed suggestions on solutions, we'll be very happy to provide you with all of our--

SENATOR SCHLUTER: We want that. We really want that.

MS. CAPLOVITZ: Terrific. Thank you very much.

SENATOR SCHLUTER: Thank you.

We have Polly and Tom Yarnall.

Do you want to give your testimony singly or together.

**T O M Y A R N A L L:** We're a duet.

SENATOR SCHLUTER: You're a duet.

POLLY YARNALL: Well, I'm--

MR. YARNALL: She's better than I am.

SENATOR SCHLUTER: Come on up and--

Again, we're short on time, and we know that you'll be brief. And I know that we've corresponded by e-mail.

Thank you.

MR. YARNALL: Polly, come on up, please.

I'm going to start at the bottom of this list, and I'm not going to go all the way up.

I heard earlier in the program that someone wanted to know, how could we educate people better. And I put that down here at the bottom. There should be a Fair and Clean kick-off meetings somewhere, closely after the primary elections. And they should be held in at least half of the communities of the legislative district. We had nothing like that down in Cherry Hill. We were totally blind.

You folks had a meeting on August 15. We found out about it in the paper the next day. We had no clue, or we would have been there, and others would have been there, too.

The others that I have in here -- the qualifying period and the qualifying contribution, I think, are self-explanatory. And I think you should give serious consideration to -- \$5 ought to be it. That ought to be it. And up the number. If I were a candidate, and I couldn't get 2,000 people to support me with \$5, I shouldn't even be running.

That's mine.

SENATOR SCHLUTER: Ms. Yarnall, do you want to add to that?

MR. YARNALL: Yes, she has-- She's been a--

SENATOR SCHLUTER: If I can comment, Mr. Yarnall. That August 15 meeting -- this Commission really wasn't in -- planning to meet at all during the summer, because that's not our charge. We're here to try to revise the program after November 8. But we saw the problems. And that's why we met -- is to bring those problems out -- the attention of the public and get input as best we could. And we think we succeeded.

MR. YARNALL: Yes, you did.

Thank you.

MS. YARNALL: Yes, I just want to tell you about my experience, very briefly.

First, how I found out about this Fair and Clean Election program -- and that was from the *Courier Post*, and it was a very small piece. Now that I'm retired, I have more time, so I read the paper a lot. It was a very small piece, and it sort of indicated that no one showed up at this meeting. I thought, "Well, I didn't even know about it."

So then after that, I-- The *Courier Post* -- I think it was the next day -- started running some terrific articles. They deserve a lot of credit for that. So that was effective -- using the newspaper. And they started-- They put a coupon in there. It told you how you could try to briefly explain -- I even have a copy of one -- that you could use as a form if you wanted to support this.

Now, the idea, of course, is what you're trying to sell. The idea is that you're not really supporting the candidate, your supporting

campaign funding for the candidate so that they can run on a Fair and Clean Election.

So I got the coupon, and I went around to a few people in my neighborhood. And I started trying to explain this. Well, now I got into a lot of-- It took me 20 minutes. And then I began to realize this is very confusing. And then the form had all these things you had to fill out, and checks, and so forth, and so on.

So I'm going to say that's one of the drawbacks you have. You've got to come out with something a lot simpler.

And I did read the minutes, and I did agree with the comment that was made that-- Why are people who are only giving \$5 having to put down who they work for and everything? And I had a few people that would not fill that out, because they were in fear of their job. They don't want to have-- "My job doesn't want us to be political," or, "Maybe I'm working for somebody, and if he thinks I'm supporting the other party, I could be in trouble." That's the way people think.

Then the next part was, trying to explain what this was. Now, I was in sales. If you can't make your point in about two minutes or less, you are not going to get the sale. And this is a selling-- This is selling. So I think you could-- It was very deficient in presenting the program -- like, informing the public. There wasn't any -- apparently no funding was given for that, or whatever.

But I did this -- start working with the-- It's called the Citizen Action committee. And I started working with Juanita Howard, just doing a few things with her. But then we went around to the senior centers, and I saw how that worked. I saw what happened when you tried to explain

things. And I had about six things I had to pass out to everybody so they could read it, and then they could fill out the form. I think the senior centers were good, because they were very interested in the election, that kind of thing.

But, anyway, that's my observation. That was my experience. And I would say, one of the meetings Juanita showed a film. It was a video. And I think it was Bill Moyers and John McCain who spoke. This was not about a candidate. This was about what this program is -- to -- for the funding of the candidate and not having to rely on big contributions from big people.

So, anyway, myself and Nick Naum -- who you had his name down -- he's a volunteer, too. We were sitting there, and we looked at this film. And we thought this was terrific. This film explained the program so much better. So one of the things you could look into would be -- maybe you need some kind of a film. I wouldn't use the one they had, I would use one for New Jersey.

Anyway, I believe in the program. And I want to say, I am very impressed with all of you, all the work you do. And in honesty, I have to say that most people do not know who their Assemblyperson is. If you went around and asked them, they don't know. And they don't know how important your job really is. And when they sit around complaining about their taxes and everything, this is why your job is important. Because you're the people that can do something about it.

So I think that this would be helpful to you -- for everybody. And that's all I have to say.

Thank you for the opportunity.

SENATOR SCHLUTER: Thank you very much.

SENATOR BUCCO: Thank you.

MR. DeLUCA: Thank you very much.

SENATOR BUCCO: Mr. Chairman, I have to go.

SENATOR SCHLUTER: Thank you.

Senator Bucco has to go.

Senator, we will be in touch with you. Two very important things. We want to try and schedule--

And we have another person. Ms. Liebman is the final person who is going to testify.

We want to try and schedule meetings in three parts of the state as soon after November 8 as we can.

Now, the League of Municipalities--

SENATOR BUCCO: I was going to say, remember the League of Municipalities.

SENATOR SCHLUTER: --is meeting, starting the 14th, I think it is.

SENATOR BUCCO: I think 14th.

SENATOR SCHLUTER: Fourteenth. And what we'll do is, we'll let Frank and staff come up with some dates for a meeting.

SENATOR BUCCO: If you want to have a meeting at the League of Municipalities -- I don't know how many people would want to come down to Atlantic City or down to the--

SENATOR SCHLUTER: Well, I thought of that, but we don't want to detract from people who are going to testify because they're at the League. And I thought of that. That would be good. But one other thing

is, in South Jersey, you really should have it in the Cherry Hill area, because that is where it's taking place. And you can have one in South Jersey, one in Central Jersey, and one in North Jersey. And we want to have one that's close to you and Carol Murphy--

SENATOR BUCCO: Thank you.

SENATOR SCHLUTER: --so that we can have your input.

But I hope, by the end of November, we have the three meetings under our belts.

SENATOR BUCCO: Thank you.

MR. DeLUCA: I'm thinking Essex, Morris, and Middlesex County. (laughter)

SENATOR SCHLUTER: And the other thing is, Senator, Frank will also let you know that there might be a--

Frank, you tell them about the state of Maine, what you've done.

MR. PARISI: Senator Schluter asked me to look into getting some information about a conference being held by an organization called the Council on Governmental Ethics Law. They are having a special session at the meeting. Fred Herrmann, for instance, was the President of COGEL. And they are having a special meeting in which they're going to be discussing Clean Elections.

And I believe, Fred, you're going to be moderating that meeting.

DR. HERRMANN: I'm on the panel. Actually, those on the steering committee are going--

MR. PARISI: And is on the steering committee for that, as well.

And Senator Schluter suggested that perhaps there should be a delegation of people from the Commission -- go up to that meeting to listen and speak with other people in regard to Clean Elections. And perhaps at the same time, if possible, arrange to meet with people from the state of Maine -- which is not that far away -- who had met with the Majority Leader to talk about the Clean Elections program -- at the same time, either that day or the next day, or sometime soon thereafter. And he had asked me to get that information.

I did find out some information -- that there are a lot of groups that supported this very strongly. It's possible that they would be willing to meet -- organize for us to meet -- or the members of the Commission to meet with them while a group was up there for, perhaps, several hours. And I guess it's really up to the Commission if they want to proceed on this. If you want to proceed on it, I can make the inquiries and get things set up. But it's really your call.

SENATOR SCHLUTER: And what date?

MR. PARISI: The COGEL meeting is on the -- it's the 7th of December, isn't it?

DR. HERRMANN: Yes, I can give you the exact date for the--

MR. PARISI: It starts on Sunday, and it runs through the following Wednesday. I believe that's Wednesday, December 7.

DR. HERRMANN: Correct.

MR. PARISI: And the meeting is in the morning.

DR. HERRMANN: Correct.

MR. PARISI: And in the city of Boston.

DR. HERRMANN: I think the moderator of the panel is Professor Ruth Jones, who is probably the leading expert in the country, I think, on public financing.

SENATOR BUCCO: November?

MR. PARISI: December.

SENATOR SCHLUTER: Excuse me. She's from Arizona, isn't she?

DR. HERRMANN: Yes. She was, I think, on the Clean Election Commission. She might have even been the chair.

SENATOR SCHLUTER: She could tell us about Arizona.

DR. HERRMANN: Oh, absolutely.

SENATOR SCHLUTER: Ruth Jones, sure.

Shall we proceed and have Frank find out more?

SENATOR BUCCO: Yes.

MR. DeLUCA: Yes.

SENATOR SCHLUTER: I think it's worthwhile. And we might get some-- If we don't have the appropriation in our standard appropriation, which we'll have to scratch--

SENATOR BUCCO: Maybe we can ask Assemblyman Greenwald. (laughter)

MR. DeLUCA: They said that.

SENATOR BUCCO: He wants to give it back to the people.

SENATOR SCHLUTER: But we can-- We've had an offer from one of the foundations to, maybe, help finance it.

SENATOR BUCCO: Okay. Good. Proceed with it.

Good-bye. I'm running late.

SENATOR SCHLUTER: Thank you very much.

MR. DeLUCA: That margin.

SENATOR SCHLUTER: Is there any further discussion on the dates that we might want to meet? Does anybody-- We heard about--

ASSEMBLYWOMAN GREENSTEIN: After the election.  
(laughter)

SENATOR SCHLUTER: Now, Frank Parisi says, don't do anything on Mondays and Thursdays because the Legislature will be meeting. But we'll not do things on Mondays and Thursdays. But we want to try and get them in pretty fast.

MR. PARISI: If I can ask the members of the Commission, would the consensus be to have them once a week, once every other week? How would the feeling on that go?

ASSEMBLYMAN BARONI: I can do them all in one day.  
(laughter) Start at 9:00 in the morning and march our way down the state.

SENATOR SCHLUTER: I would say once a week.

MR. DeLUCA: Well, I--

ASSEMBLYMAN BARONI: We'll do them at rest stops.

SENATOR SCHLUTER: I think they should be -- not starting at 7:00 at night, and say it's going to be over at 9:00. There's going to be a lot of testimony. I think we ought to think about, say, 4:00 in the afternoon, for however.

MR. DeLUCA: Mr. Chair, I was just going to say that if we want regular folks to come out, we're going to have some evening time. And we might be able to do something, say, 4:00 to 6:00 and then 7:00 to

9:00, or something like that -- take a break at some point. But I think if we want citizens who are working to come out, it's going to have to be in the evening.

SENATOR SCHLUTER: Is something like that--

Frank, can you work on that kind of a-- And then our appropriation will give us some sandwiches for a light meal between 6:00 and 7:00.

ASSEMBLYWOMAN GREENSTEIN: If we're lucky.

MR. DeLUCA: Greenwald said we can have chicken soup.  
(laughter)

ASSEMBLYMAN BARONI: You're right, he did.

MR. PARISI: Just to clarify, do we want to try to do it then, every other week, at some point, or try to--

SENATOR SCHLUTER: I would say every week, because--

MR. PARISI: Every week? Once a week?

SENATOR SCHLUTER: Every week, because--

ASSEMBLYWOMAN GREENSTEIN: If you want to get it done by the end of November.

ASSEMBLYMAN BARONI: Do it on Thanksgiving at the Schluter's. (laughter)

SENATOR SCHLUTER: I'm going to be down in Richmond, Virginia, so you won't have any--

ASSEMBLYMAN BARONI: We didn't say you had to be there, Bill. We just said at your house.

MR. PARISI: I'll work out a schedule of dates, and I will circulate it. And then everybody can pick. How is that?

MR. DeLUCA: Good.

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

Any more discussion on the Maine expedition? (no response)

Evelyn Liebman, can you come up here and give us your important--

Identify yourself and--

E V L I E B M A N: Thank you, Chairman and members of the--

SENATOR SCHLUTER: Speak into the -- that mike -- and speak loudly.

MS. LIEBMAN: Thank you, Chairman and members of the Commission.

I will be very brief, given the hour. And many of my comments would have echoed those who came before me here today.

I'm the Program Director for New Jersey Citizen Action. And I'm also here representing the New Jersey Citizen Action Education Fund. We have been working on full public financing for elections for seven years, and have been very involved in trying to educate the public over, as we've all heard, a very short duration of time, without many resources during this pilot program. And that is the one thing that, I think, needs a lot of attention, that hadn't been given attention before, as we go forward.

I think that the program, certainly, has been a success in that this pilot has opened the door to Clean Elections and full public financing here in New Jersey. And I don't think it's a door that can be shut. I think we're going to go forward. We're going to look at the experience that all the candidates had during the pilot program, from both Republican,

Democratic, and Green Party candidates, and learn from their experiences and make changes.

I just want to give some sense about what we found. And Polly talked about Juanita, who is on our staff down in South Jersey, who did many presentations for senior groups, and who Assemblyman Greenwald referenced -- in that there were a lot of Clean contributions made by seniors in the 6th.

The experience that we had doing presentations was, in fact, inspiring. There were so many people that we talked to in senior citizen organizations, other community organizations, who were so receptive and so glad to find out that there was another way to do politics in New Jersey, that it was remarkable, quite frankly, how many people came up to us and said, "We want to give contributions to all of the candidates, not just to the candidates of my party. Because we want to see that -- this pilot succeed."

And I think it's in that spirit that Assemblyman Greenwald came here today to offer his proposal. And I think that his proposal should be supported. I have no attorney's cap to put on, so I do think it needs to be looked at. But I think that it would be -- it was proposed and should be done in deference to the 6,000 or so people in the 6th District who gave contributions, not so much because they wanted to see their candidate succeed, but because they wanted to see this pilot succeed, and they want to see politics done in a different way.

That being said, we are still working in the pilot districts. We will be hosting one of the two clean candidate debates in the 6th District. We're still doing presentations in the 13th District that we had already had scheduled. And later this month we're convening a meeting of a number of

the public interest and good-government advocacy groups to come together to do our own analysis of the experience. We'll also have representatives there from our national partner, Public Campaign. And we are also talking to folks in Maine, Arizona, North Carolina, and Vermont that also have various forms of public financing, and look forward to putting together recommendations for you and testifying at the public hearings.

So we all know that we have a lot of work to do. But I think we're excited about going forward and making a better program in 2007.

Thanks.

SENATOR SCHLUTER: Thank you.

Questions of Ms. Liebman? (no response)

Thank you.

I would like to add one thing to just put on the record. We said that when a concern comes up we want to consider after November, we ought to get it on the record -- and for our final recommendations.

But Assemblyman Greenwald raised an issue which, I think, our Commission should think about and should talk about. And that is, this is a Clean Elections program. But there are incumbent legislators who raise money on a regular basis to pay for their ordinary cost of existence in the political world. And should Clean Elections be extended to what is raised, in terms of fund-raising, not for elections, but for your continuing maintenance of your position, which I know might be a difficult thing to do?

ASSEMBLYWOMAN GREENSTEIN: You mean in a non-election year?

SENATOR SCHLUTER: In a non-election year.

So I just wanted that in our minutes to talk about.

Comments from Commissioners? (no response)

Thank you all, and particularly you, Bill and Linda, for coming out when you're busy schedule--

So, move to adjourn.

ASSEMBLYMAN BARONI: Second.

SENATOR SCHLUTER: All in favor? (affirmative responses)

Thank you.

**(MEETING CONCLUDED)**