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# *Commission Meeting*

of

## NEW JERSEY CITIZENS' CLEAN ELECTIONS COMMISSION

*"Testimony from the public regarding the  
New Jersey Fair and Clean Elections Pilot Project"*

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**LOCATION:** Collingswood Senior Community Center  
Collingswood, New Jersey

**DATE:** November 22, 2005  
4:00 p.m.

**MEMBERS OF COMMISSION PRESENT:**

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



**ALSO PRESENT:**

Gina M. Winters  
*Office of Legislative Services  
Acting Commission Secretary*

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

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**SENATOR WILLIAM E. SCHLUTER (Chair):** Thank you, all, for coming.

I apologize that the other Commissioners aren't here. It's somewhat unexplainable. We did receive word that two of our Commissioners would not be here, and one would be late. But that does not excuse the other five for not coming.

And we have the Assembly Speaker designate here, who wants to testify. He was the sponsor of the bill. And we certainly want to give him that opportunity and have an exchange. So I will get started on that basis.

And, hopefully, we'll have enough members of the Commission who will be here later to form a quorum, because we have some business to conduct. And we go from 4:00 to 6:00, and then we break. And we go from 7:00 to 9:00 if there are people who want to testify. Anybody who wants to testify should get one of the sign-up sheets there, bring it up to Gina Winters, who's our staff person from OLS. And you'll be put on the list.

I did get a call from Mr. Kasko -- I think it is -- Jeff Kasko, is it?

**MS. WINTERS (Commission Secretary):** Kasko.

**SENATOR SCHLUTER:** Kasko.

Unfortunately, his two candidates -- the two Republican candidates -- were not aware of this event. And they read it in the paper today. And they were very upset, because they couldn't come at 4:00. So I apologized and said that, "You can come at 7:00," if they're available. So he is going to try and come at 7:00.

I understand from staff that they did send out e-mails to those candidates. But, in her words, "Some of these e-mails don't always get open, particularly in campaign e-mail mode." So maybe that's where they're lingering.

With that -- with those introductions, I would like to have, for the benefit of this whole project, the wisdom of Ingrid Reed, and Fred Herrmann, and Nedda Massar, to engage Assemblyman Roberts when he is through giving his direct testimony. So, if those three could come up here and take spots up here.

If that's all right with you.

**A S S E M B L Y M A N J O S E P H J. R O B E R T S J R.:**  
Certainly.

**SENATOR SCHLUTER:** They are experts, and they will add to the discussion.

So with that introduction, Assemblyman Roberts, would you please give us your presentation?

**ASSEMBLYMAN ROBERTS:** Chairman, thank you very much.

I'm also disappointed that your colleagues haven't gotten here yet. I know they'll be finding their way to South Jersey before the evening is over.

Thank you very much for the leadership you've provided. And I'm happy to particularly join Assemblywoman-Elect Pam Lampitt, who is -- can give, sort of, personal testimony about what it is like to be a Clean Elections candidate, and the other members of your, now, ad-hoc panel who will provide great expertise, as well.

Mr. Chairman, the New Jersey Citizens' Clean Elections Commission today begins its critical task of taking a long look at the Clean Elections demonstration and identifying the good, the bad, and the ugly.

My advice to the Commission, with respect to this historic program, is to polish it but don't abolish it. I plan to carefully monitor the Commission's hearings and deliberations, and reserve judgment on any changes to the program until the Commission completes its very, very important work in February. The Commission needs to start with a clean slate on Clean Elections and identify ways to make this program work in New Jersey. As the Commission initiates its review process, I respectfully request that it consider the following issues: What impact would enhanced voter education have on Clean Elections?

Yesterday's Eagleton/Fairleigh Dickinson Poll found that more than two-thirds of voters in the 6th and 13th pilot districts did not know their districts were selected for the experiment. This should not be surprising, given the absence of any State involvement in promoting the program, the most expensive gubernatorial campaign in State history, and a disparity in coverage that the Clean Elections received from different print media sources.

But this also needs to be viewed in the context of a lack of voter awareness in general. While 58 percent of likely voters in Clean Elections districts knew just a little or nothing at all about Assembly races, 63 percent of voters statewide were likewise clueless about their Assembly races. It's not that voters weren't focused on Assembly Clean Elections, it's that voters weren't focused on Assembly elections period.

Let me note that I applaud the coverage that some newspapers -- particularly the *Courier-Post* -- dedicated to this pilot program, as evidenced by the coupons the paper ran, asking voters to contribute to Clean candidates, and the editorial space and news coverage it lent in praising the program. The Commission should measure whether a greater emphasis on voter education on Clean Elections, like the *Courier-Post* offered, will assist the success of the program.

Secondly, should the qualification criteria for Clean Elections be modified? In my judgment, there is no question that the Commission should consider recommending changes to the qualifying criteria for Clean Elections. The current qualifying standards of 1,000 \$5 contributions and 500 \$30 contributions from registered voters was reached after receiving substantial input from New Jersey's reform groups. On paper, it did not sound unrealistic for a candidate to identify 100 supporters, to get 15 friends or neighbors to contribute these small amounts of money to qualify. For some candidates, it was, in fact, not unrealistic. The Democratic candidates in the 6th District managed to qualify for Clean Elections financing, and their Republican challengers came within 70 percent of the eligibility standards. Nonetheless, we need to revisit and make changes to a program in which two candidates qualified and eight others failed.

I urge the Commission to consider to make qualifying for Clean Elections easier, but also to maintain a system with taxpayer safeguards.

Mr. Chairman, many people have talked about Maine and Arizona, and suggested that we simply should adopt the standards that were used in Maine and Arizona -- Maine particularly -- with 50 contributions required. I would note that to compare New Jersey to Arizona and Maine is

to compare a tomato and a blueberry to a cactus and a lobster. (laughter) They're simply very, very different. Each member of the Maine House of Representatives represents 8,443 constituents per district. In terms of the size of legislative districts, this is the 45th from the top, one of the smallest in the nation. Well, each member of our General Assembly represents more than 105,000 constituents, the 7th in the nation, according to the National Council of State Legislatures.

A Clean Elections candidate for the House in Maine receives \$4,400 in public financing for a contested race, and less than \$1,800 for uncontested races. In Arizona, Clean candidates receive only \$18,000 for a general election. As you know, in New Jersey, each candidate can potentially qualify for \$200,000 in public financing.

As I said, there are some who have suggested -- one editorialist particularly -- that we should simply say that 50 qualifying contributions works in Maine, therefore it should work in New Jersey. It misses the point that a legislative district in New Jersey is 15 times the size of a legislative district in Maine, not to mention the additional public support that is provided New Jersey as compared to the other states.

In my judgment, qualifying for Clean Elections should not be automatic, but neither should it be impossible. The Commission should examine ways to strike a balance between realistic standards for qualifying and realistic taxpayer safeguards.

Should the time period for qualifying elections be extended? Commission Chairman Schluter, the Election Law Enforcement Commission, the Department of the Treasury, and Acting Governor Codey deserve the utmost praise for making changes during the program, with the

goal of maximizing the potential for success and participation, by extending the deadline by two weeks, allowing online contributions, and permitting contributions by check credit cards. And I should salute Fred Herrmann and ELEC, as well, for their flexibility in doing everything possible to allow this program to succeed. One can only wonder, had there been even more time, whether these tools could have promoted even greater participation in the program.

I believe the Commission should consider allowing participating districts to be selected before the primary election, and allowing candidates to begin collecting contributions prior to the primary election as well. As you know, we used, as the benchmark, the primary qualification process. In other words, the candidates being selected by the voters in the June primary, and then the qualifying contribution collection process beginning subsequent to that. That resulted in candidates having to collect contributions during the Summer, which is no small task. And, clearly, in races where there is no opposition in the June primary, we certainly can use the April filing deadline, perhaps, as a measure of whether or not someone is seeking office. And we certainly can develop a mechanism for contested primaries, where the candidates have the ability to collect contributions subject to them being returned in the event that they're unsuccessful in the primary.

In summary, if we, as the Legislature, believe that the Clean Elections program would have succeeded with no questions asked in its first electoral test, then we would have forgone the pilot process from the outset and applied public financing everywhere throughout New Jersey. The reality is that we constructed a system with tough safeguards and a review

process that could identify ways to make modifications and to make improvements.

The Commission has an enormous responsibility. Mr. Chairman, I offer you any assistance the Assembly can provide in that regard, because we need to make this program work.

As the *Times* of Trenton cited in an October 18 editorial, the Clean Elections Pilot Program is “too good to lose.” We must all roll up our sleeves in the months ahead and carefully scrutinize what went right and what went wrong with the first test of Clean Elections financing in New Jersey.

The Clean Elections Commission deserves commendation for beginning this post-election evaluation process. And I look forward to what I anticipate will be a series of recommendations to improve and strengthen this program in time for the 2007 elections.

Chairman, thank you very much. And I’d be happy to answer any questions you have.

SENATOR SCHLUTER: Thank you very much.

And I would ask Mr. Vercellotti to come on up here. Since we don’t have Commission members, we have people who are knowledgeable on the subject to ask some questions.

And I would start with Ingrid Reed.

If you have some questions to ask, Ingrid, of Assemblyman Roberts.

And we’ll go right down the line.

ASSEMBLYMAN ROBERTS: It’s not obligatory that you ask questions. (laughter) But if you do have them, I’ll do my best.

**I N G R I D W. R E E D:** I was just thinking about the State Government hearing that some of us attended in Montclair, where you had the Maine people there talking about their experience. And I think it's really helpful to look at other people's experiences. In fact, right now, in Connecticut, they are having a contentious time doing what New Jersey did by consensus, I would say, where the Legislature took the initiative to introduce a Clean Elections project. And they're now having a tough time of it. But Connecticut is more like New Jersey. And I thought it might be a good idea to take a look at what they're proposing for that state. Because as you've outlined, there really are a whole series of issues that we need to address that really go through the process.

You did not say anything about how the districts get selected. And that's been an item that's been on people's agendas, as well. Should there be criteria for the districts? Should we be looking for districts that are more competitive? Because more competitive districts also get more publicity, as we know -- or covered in the papers better.

**ASSEMBLYMAN ROBERTS:** Sure.

**MS. REED:** But you mentioned the poll that Tim Vercellotti, from Eagleton, and Peter Woolley, from Fairleigh Dickinson, did. And I guess, to go back to basic principles -- and the purpose of the legislation was really to try to restore some trust in government. And, certainly, the poll showed us that, at this point, there's a lack of trust, as we had suspected. But the poll, sort of, underlies that. And I would hope that that would be another reason why we would continue to pursue the Clean Elections process, to see if we can have a government that people can have more faith in and more trust in.

But I was just wondering if -- knowing New Jersey so well, and knowing that Maine is not the right model exactly for us -- what are some of the ways that you've been thinking that we can go about defining the contribution limits? What other tests could we use? For example, I was thinking about how many district committeemen and women are there in a district. And is that some kind of a gauge -- or how many election districts -- is that some kind of gauge that you should be able to get five contributions out of an election district? And would that be a way that New Jersey could think about the number of contributions that would be appropriate? And could we have a range of contributions that might be from 5 to 25, and just simply let people choose how much they want to give, in order to give people more of a decision-making stake in what they do in order to make the process work?

So I was just wondering if you had just sort of been thinking about some other ideas. This is rather informal. And I think we need to think about what the alternatives might be.

ASSEMBLYMAN ROBERTS: As informal as it is, I think it's also being transcribed, so let me choose my words with some caution.

MS. REED: No, I wasn't meaning that you should throw caution to the wind.

ASSEMBLYMAN ROBERTS: Not at all.

I think it's-- I feel very strongly that I should talk about issues that I think are worthy of this Commission's exploration, but not share with you what I think the conclusion should be, particularly since this is the first of, I think, a series of five hearings. And I know you'll get tremendous input from some of the folks who were very much involved in this.

I think, though, in terms of the contribution threshold, it's clear to me that the number that's used in a very small state with small districts isn't applicable. There are some candidates who have suggested that it should be a number that would, frankly, allow a candidate to attend a political meeting -- a county committee meeting -- and collect all of their qualifying contributions on the spot. And that was part of the debate during the campaign about revisions that we should make. To me, that is completely contrary to what we're trying to achieve, because this is designed to open up the process, not to allow the party structures to dominate it.

And I think that-- I learned when I went to Maine -- and I think that the Assemblywoman-Elect from the 6th District will tell you -- that the connection -- the retail piece of this -- the connection with the voters, going out, pleading your case, doing things that, perhaps, more traditional candidates don't have to do on a regular basis, is a very, very valuable thing to do.

I think part of the reason that I've embraced this concept from the very beginning is that at a time when we're talking about pay-to-play reform, which is a very important part of what we need to do to restore public confidence in New Jersey -- that deals with one element of the money that's involved in politics and influences the process.

And I was impressed from the very beginning that Clean Elections has the capacity to not simply take some of the money out of the process but to take it all out of the process. In addition to eliminating a lot of the barriers to entrance that are faced by non-traditional candidates -- people that have broad community support, or have terrific ideas, but don't

have the ability to raise the money that's necessary to compete-- If you provide that level playing field, I think that's a very, very good thing.

MS. REED: I guess one of the questions that also came up -- and this is where I think Fred and Nedda might be able to give us some help -- was that the compliance was rather bureaucratic, especially if you were looking at trying to involve the community, and that people were required to fill out forms and -- as we know -- write checks, and so on, the way they would if they were giving a \$300 contribution or a contribution to a leadership PAC.

I don't know what the alternatives might be, but certainly writing a check to the candidate or the candidates committee was, I think, something that voters -- made more sense to voters than writing it to the Clean Elections Campaign, and doing it other than by writing a check. And I don't know if it's possible to have something like a petition form where you could pass around a clipboard and a person would say, "I gave \$5," just as they say, "I'm eligible to vote, and therefore I'm putting my name on a petition to have somebody get their name on the ballot."

And I know you don't have any answers for that, and wouldn't want to say what it is. But I do think, within whatever kind of law we have -- I think it would be helpful if we could have a different system for actually collecting the money. And maybe there are other states who do it differently, or maybe that's the only alternative. And if it's the only alternative, I think it's one of the areas where you mentioned-- The first thing that you mentioned was enhanced communication. And I think that area alone really requires some expertise about how you reach people and what people want to know.

And I know Tim, and Peter, and I have talked about doing focus groups, if we can scrape the money together, if we have any left over. Because we thought it might be a very systematic way that could be helpful to the Commission to talk with people who are already involved in the community and politics, on the one hand, and see what they have to say about this. And then try to contact some of the people who you talked to in the poll and say, "Would you be willing--" This very often happens that you go back to them and say, "Would you be willing to talk to us," so that we could get a little bit better sense of what ordinary people are making of all of this.

ASSEMBLYMAN ROBERTS: Just let me give you an observation or two.

I think that it's clear that the contribution process was not user-friendly. And I think that was acknowledged by virtue of the midcourse corrections that so many people in this room had a hand in, in bringing along.

I think New Jersey is well-respected for our campaign compliance process. The activities of ELEC, I think, are -- I know from talking with colleagues in other states -- very, very well regarded by people around the nation, and appropriately so. But I think we need to recognize the uniqueness of this endeavor. And as you said correctly, the compliance standards that you have for very big checks that get written in more traditional campaigns, this is different. And we may want to have something that allows people to make a contribution without going through an enormous amount of red tape.

And, secondly, I think the Commission may want to think through whether or not it's advantageous to have the contributions made to the fund or to the candidate directly. In many ways, it's the candidate's persuasiveness, in terms of getting voters to participate in this, that has closed the sale. And if a voter has the ability to say, "I support you, and I want to make this succeed, here's a check for your campaign preps," that's worth looking at.

SENATOR SCHLUTER: If I can -- before we go to Tim -- mention to Ingrid--

You talked about the problem in selecting the districts. And, of course, this is a pilot project. And we are going to go, ultimately, to the point where all districts would qualify. So it won't be a matter of selecting the districts, although that could be improved. Because I think I really-- I personally think that we're going to have another pilot step before we get into--

ASSEMBLYMAN ROBERTS: Chairman, may I just -- because I didn't want to leave that issue unaddressed.

My thinking, in terms of when we developed this, was that you had-- There were sort of two constituencies that had to be brought into the process. The first was the public that had to be convinced that this was an appropriate way for their hard-earned tax dollars to be spent. We had to let them know that this really provided a real prospect for reform and changing the playing field in a very fundamental way.

And the second group that we had to communicate with were elected officials and perspective elected officials, so that they would know that their ability to run aggressive campaigns would not be so impaired by

this that it would make them impossible to advance the ideas and talk about what they believe in.

And I felt, and still do, that the best way to do this was to take not those safe districts, where the outcome was a foregone conclusion, because, frankly, they're tackled by the next step in this when we deal with the primary elections rather than the general elections. Nor would it be the best approach to take the most highly competitive district. Because, candidly, both parties have so much at stake in the highly competitive districts that it would have been, in my judgment, an impossibility to build support for this as a demonstration project.

So I think that we tried to do this in a measured way. And as the Chairman said, as we gather information, as we refine it, the goal is that this will be everywhere, and that's a problem that will be self-correcting.

SENATOR SCHLUTER: Also, if I can point out, you mentioned the 107,000 people per Assembly person. And I know your newly elected Assemblywoman would say that while she represents 215 or so--

Isn't that about right, Ms. Lampitt? (affirmative response)

But you divide that by two Assembly people. But it's not single member districts. So, really, the Assemblyperson is representing 215, 220,000 people.

ASSEMBLYMAN ROBERTS: Absolutely.

SENATOR SCHLUTER: Do you want to chime in here? Introduce yourself, and who you are, and what your expertise is.

**TIM VERCELLOTTI, Ph.D.:** Yes.

We haven't met. My name is Tim Vercellotti. I work with Ingrid at the Eagleton Institute of Politics. I'm Assistant Director of our Center for Public Interest Polling.

And one of the things that was clear from the polls that we and Fairleigh Dickinson had done was that there was a need for public education. And I have three questions, I think, that I'll list in short order. One, how receptive do you think your colleagues will be to allocating money toward that end? And, second, while this is a combined question-- One way you could do it is through a series of direct mail public service announcements, or give the candidates themselves -- once they've survived their primary and qualified for the ballot -- seed money to do their own mailing to develop the beginning of a dialogue with their constituents in hopes of soliciting contributions.

Do you have any thinking, one way or the other, on those -- the very broad approach or the seed money approach -- as a way of educating potential donors about this?

ASSEMBLYMAN ROBERTS: I don't know that they're mutually exclusive. I think that there's a lot of value in having the government play a role in doing some of the marketing, because that gives a seal of approval that is independent of the candidates. I think communications from candidates, as someone who has done it on my own behalf-- I mean, occasionally, that's suspect. I know that will be a surprise to you. But if it came in a more -- from a different direction, I think there might be more of a willingness on the part of citizens to listen to it. And perhaps that can be supplemented by what the candidates would do, as well.

In the polls findings -- and that's the reason I alluded to it. I mean, we have a challenge in New Jersey. And I see it all the time as we attempt to build support for a variety of different State issues. It's a function of the fact that we don't have a unified media presence, and particularly electronic media, which is so important -- deals with issues in the North and issues in the South, and not in a very unified way at all. And there's just a lack of information about statewide issues and who the local representatives are. So I think that, in many ways, we faced a real challenge.

But I think that underscores your point. In that kind of an environment, we have to do even more to make sure that the public is informed at the very beginning.

DR. VERVELLOTTI: Okay. Thank you.

ASSEMBLYMAN ROBERTS: Sure.

SENATOR SCHLUTER: Any more.

MS. REED: Do you want to just--

Would you like Tim to just recap the poll? Because maybe not everyone knows.

SENATOR SCHLUTER: Very briefly, yes.

MS. REED: Or should we do it after?

SENATOR SCHLUTER: Well, we can--

MS. REED: Since you know well -- you got it yesterday.

SENATOR SCHLUTER: In two sentences.

DR. VERCELLOTTI: What we did, in working with Fairleigh Dickinson, was two statewide surveys, one in late September, one in late October/early November, and one specific to the districts in late October,

looking for changes in trust in government, changes in opinion on public financing of legislative campaigns, and just basic awareness of the Clean Elections initiative. And in some, we found a good deal of sinicism about the Legislature out there. And most tellingly, just very slight changes in awareness about Clean Elections in the two pilot districts compared to the statewide surveys. Those were really the headlines from the surveys.

SENATOR SCHLUTER: All right.

Now, in a matter of-- These microphones pick up -- and the one in front of Assemblyman Roberts -- pick up for the transcription. But I don't think we need this microphone, because everybody out there can hear us, can't you? If you can't, just cup your ear like that, and the person will speak up.

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'm trying. That's why I sit here.

SENATOR SCHLUTER: Speak up louder.

You're leaning a little closer, so I better talk a little louder. Is that right?

Now, if we could have Fred Herrmann ask any questions that he might have.

F R E D E R I C K M. H E R R M A N N, Ph.D.: Well, I didn't really have any questions, but maybe a couple comments.

ASSEMBLYMAN ROBERTS: Fred, this is a role reversal, isn't it? (laughter)

DR. HERRMANN: Yes, it is.

ASSEMBLYMAN ROBERTS: Go for it.

DR. HERRMANN: First of all, I just wanted to thank you for all of your support of the Commission over the past couple of years. And I think Nedda and I have been in the business for 20 years. And I never saw -- I don't think either of us ever saw anything like your package two years ago, the 25-bill ethics reform package. And, especially, the support you gave for ELEC and the other ethics agencies in the budget was just incredibly commendable and, I think, not only unusual for New Jersey but, I think, unusual nationally. Because one of the major problems that I've seen in ethics laws over the past 20 years is the lack of support for the agencies that have to administer them. So that was pathbreaking. And I just wanted to publicly thank you for that.

ASSEMBLYMAN ROBERTS: Thank you. I know we have more work to do, and I look forward to doing that on the fiscal side, particularly.

I just would note, I was with Ingrid Reed at the League of Municipalities in Atlantic City. And we spoke about the every voter counts package. And I was gratified that a lot of the municipal and county election officials suggested that we did that in a way that really brought people together. And, in many ways, we made revisions based on the input that we received from them, and some of the practical issues that you raised, as well. So I think that was a demonstration of how the process works best.

Thank you.

MS. REED: I just would like to jump in and thank you, commend you and your colleagues for the idea of the pilot project. I think a lot of people thought it was too little. But the concept of trying something out and then evaluating it is something we don't do in

government very often. We want to jump in and do the whole thing at once, not knowing really as much as we should know. And I think the pilot project will serve as a good example of how to do something new in election reform. But it really could be embraced more broadly.

And so I wanted to thank you for, in a sense, being willing to go slow rather than jumping in and trying to do everything all at once. And so I hope that we can rise -- everyone can rise to the occasion of the spirit of the pilot project, and evaluate it, and come up with something better. Because it's an incredible opportunity.

ASSEMBLYMAN ROBERTS: There's two reasons that we did that, just to repeat what I said before. The first was, we're spending public money. I think we need to be committed, but we do need to be cautious. Because folks work very hard for these dollars that they give us in their taxes.

And the second was, the private sector, which engages in test marketing all the time to gather data and refine ideas, is a good model for us. And that is what we tried to achieve.

Thank you.

SENATOR SCHLUTER: Before we proceed -- Mr. DeLuca, are you with your right name tag there?

MR. DeLUCA: Yes.

SENATOR SCHLUTER: So you're in the right spot.

Vic, since we didn't have a quorum -- and not only didn't we have a quorum, but we were really lacking in Commissioners, I thought we would be well-advised to start. And Assemblyman Roberts has given his testimony, which--

We can have a copy. Is that correct?

ASSEMBLYMAN ROBERTS: Yes. I believe we have it for you.

SENATOR SCHLUTER: And what we-- What I did is, I brought Ingrid up here, and Tim Vercellotti, who is from Eagleton--

MR. DeLUCA: That's good. Fill up the crowd. Fill up the table. You didn't want to speak to an empty table.

SENATOR SCHLUTER: --and ELEC up here, to ask questions of the people.

MS. REED: Complete turnaround.

SENATOR SCHLUTER: So we'll go down the row. And you can have a shot at Assemblyman Roberts, also.

Did you finish? (laughter) Go ahead. You can keep going.

DR. HERRMANN: Just a couple other things.

I just wanted to comment. My background is as a historian. I think Thomas Edison would have been very proud of us, as a son of New Jersey, that we did this as an experiment. And I think that was particularly a good way to go with something like Clean Elections, which hasn't been tried out that much in the nation. And, of course, as you've pointed out, we have a different situation than Arizona and Maine. So I think a lot was gained during this process, in terms of getting information that we can evaluate and improve the program in the future.

I just wanted to say that the Commission and the staff-- We were ready to help you in any way we can. I think ELEC's role here will not be actually to critique the program or make recommendations. That will really be up to the Clean Elections Commission. But I think our role will be

as a resource. And we'll be happy to brainstorm with the Commission, with the Legislature, in terms of where we might be coming in terms of policy and, perhaps, serve as a litmus test in terms of what we think might work and wouldn't work. But I think that will be our role. And we look forward to playing that role.

ASSEMBLYMAN ROBERTS: Thank you.

SENATOR SCHLUTER: Ms. Massar.

**N E D D A G. M A S S A R:** I echo Dr. Herrmann's statements and just acknowledge the fact that this was a real learning experience for those of us who implemented the program. We had our gubernatorial model to work with. And this was a very different experience. So we learned a lot.

ASSEMBLYMAN ROBERTS: We all did, that's for sure.

MS. REED: Does anybody know how the voter guide worked out? And that was actually sent out to all the voters in the 6th District.

DR. HERRMANN: It was actually put on our Web site.

MS. REED: Oh, but it wasn't mailed.

DR. HERRMANN: It was not mailed. Actually, the legislation just said to put it on the Web site. And to mail it would be something that, perhaps, could be explored for the future. But there wasn't an appropriation to do that. But, again, it's the kind of thing that has to be evaluated. It may well be that the use of the Web site -- which is a more efficient way, certainly a more cost-effective way of doing it -- might be something that the Commission might want to stick with. And we'll see what the testimony looks like as it goes on.

MS. REED: And there were two debates. Is that right?

DR. HERRMANN: There were two debates, I believe, in the 6th District. Assemblywoman-Elect Lampitt is with us and, I believe, participated in both of those debates.

MS. REED: Well, that's even unusual in Assembly races.

DR. HERRMANN: Yes. I actually saw--

MS. REED: My colleague, Gerry Pomper, has said that a person has a petition and gets accepted to be a candidate on the ballot, that person should automatically agree to debate twice. That's part of the privilege that you have of being a candidate.

SENATOR SCHLUTER: We might want to make that a recommendation of our Commission.

MS. REED: So I'm glad that it worked.

DR. HERRMANN: That was something that we added to our gubernatorial public financing program in 1989. I believe then Assemblyman Baer -- that was his idea at the time. And that was incorporated in this legislation. And that was a good addition.

SENATOR SCHLUTER: And don't forget, we will be hearing from Assemblywoman-Elect Lampitt.

You will be testifying, will you not? (affirmative response)

And, incidentally, has anybody filled out a form to testify?

Have you filled out a form, Assemblywoman?

**ASSEMBLYWOMAN-ELECT PAMELA ROSEN LAMPITT:**  
Yes.

SENATOR SCHLUTER: You have.

Does she have it?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I haven't filled out a form.

SENATOR SCHLUTER: There's one right up there, sir, if you wouldn't mind. And we'll get you on the docket.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Right here?

SENATOR SCHLUTER: Yes.

Mr. DeLuca, do you want to ask questions? Or do you want me to go through some, and you can get a little of your feet on the ground first, or what?

MR. DeLUCA: Sure. (laughter)

SENATOR SCHLUTER: Sure what?

MR. DeLUCA: Sure, you can ask first.

SENATOR SCHLUTER: All right.

There were a number of things.

You mentioned, Assemblyman, that you don't think that a political party should play a large role in gathering qualifying contributions. This should be so that people do not have to depend on a party structure. Is that--

ASSEMBLYMAN ROBERTS: Let me say that more precisely. I think that the candidates who will most likely be the significant candidates in these districts will be Democrats and Republicans. They will have the benefit of having party support. And I think that's a very desirable thing.

But I think in terms of collecting the qualifying contributions, the goal has to be for the candidates, the incumbents, the challengers, to

reach out beyond that structure. That can form the basis of it. But I think it needs to broaden -- be broadened beyond that.

SENATOR SCHLUTER: Would you think it might be reasonable or feasible-- I happen to believe that parties have a role, as long as parties are open, and representative, and not closed to citizens.

ASSEMBLYMAN ROBERTS: Absolutely.

SENATOR SCHLUTER: They have a role in collecting people around a basic program, a basic philosophy. And they have a purpose in getting candidates recruited, and advancing them, and getting them elected. And that is-- History has shown us that is a good purpose.

Would you think that something might be worked out by the Commission, in its recommendations, where we would say that no more than 50 percent of the contributions could come from county committee people, or something like that? Or have a certain percent from people who are independent of the party apparatus?

ASSEMBLYMAN ROBERTS: Those would all be things for you to consider. I don't want to point you toward any conclusions, one way or the other. I think that you could achieve the goal by that sort of an approach. Or you could do it simply by requiring a qualification threshold that would have to be met by engaging in, sort of, retail campaigning.

SENATOR SCHLUTER: Retail campaigning is a point that you made, and it's good, and should be embraced. But it seems to me that political parties do have a function. And it's not unreasonable to have them participate in some way or other in this.

I think that there is one issue which I'll raise now, not so much as asking you a question about it.

I see that we are joined by the Assemblyman from this district.

Nice to see you, Mr. Greenwald, Assemblyman Greenwald.

And the matter of giving cash--

And I would like to ask ELEC if they could, perhaps, study this and figure out a way that cash could be transferred by some sort of affirmation form, and maybe consult with legislative counsel, whereby if you go to some place like a meeting here, and somebody wants to give \$5, you don't have to go through all these checks, and credit -- and check cards and all this.

So if we could have that presented to the Commission as a possible option-- And I don't think that's unreasonable to request.

DR. HERRMANN: No.

SENATOR SCHLUTER: You see what we're trying to get at.

ASSEMBLYMAN ROBERTS: Certainly.

SENATOR SCHLUTER: You mentioned about possibly starting the process when you file your primary petition. What are your feelings, Assemblyman, on the Clean Election process, applying to contested primaries?

ASSEMBLYMAN ROBERTS: Chairman, as you know, the legislation called for two general election demonstrations in 2005, and four in 2007, including primaries. I saw a comment that you made in the press, with which I concur. And I think it's-- If you look at the legislative districts in New Jersey, there is a predictable general election outcome in a significant number of them. And the real competition occurs in the primary.

And if you want to give candidates who might not have access to the process, traditionally, a chance to get involved, you need to recognize that reality and give them a chance to have some public support in the primary.

I think that's desirable. That's part of the original legislation, and I think that needs to be a part of it.

SENATOR SCHLUTER: Now, Assemblyman, you helped write the bill, and you know it pretty intimately. It says that we are to -- this Commission is to make a report after -- a preliminary report after 90 days, and a final report in 180 days. What is the difference in the two reports, and why do we have a preliminary report and a final report?

ASSEMBLYMAN ROBERTS: I don't have the language in front of me. You've obviously read it. There may be an assumption that there will be a public reaction to your preliminary report, and you may have some additional feedback to incorporate. There may have been a desire to have more extensive public hearings.

I think that knowing you, Chairman, and your work in so many different capacities, I know you'll do a very thorough job. And in whatever manner you would like to comply with your responsibility to report to the Legislature, it will be acceptable.

SENATOR SCHLUTER: I can see us giving a preliminary report in basic themes, and then, perhaps, a final report with more specificity as far as attaching numbers to it, as far as our recommendation.

ASSEMBLYMAN ROBERTS: Just to flesh out the point, it may become almost a process where draft regulations are published for

public comment. And then your final report can incorporate your original ideas together with the reaction that you've gotten from citizens and others.

SENATOR SCHLUTER: Fine.

Mr. DeLuca, do you have some questions you would like of Assemblyman Roberts?

MR. DeLUCA: I have some comments and questions.

SENATOR SCHLUTER: And incidentally, Mr. DeLuca was successful in his election this last year to the Maplewood Council. And he was formally on the Maplewood Council -- Mayor of Maplewood. So he's been through a few political wars.

MS. REED: Congratulations.

MR. DeLUCA: Thank you.

In fact, I'm happy to hear you talk about primaries, because I had to run off the line and win that way. So it wasn't an easy way.

ASSEMBLYMAN ROBERTS: Okay. You know how challenging it can be.

MR. DeLUCA: I've done it both ways. I can attest to the challenge.

I just want to make a statement that I think you were unfairly treated by the *Asbury Park Press* and some other media outlets in the state who accused you of trying to sabotage this process. And I didn't think that at all.

I have been involved with Citizen Action and was behind the scenes when Staci Berger was out front working with you and your staff, and can attest to the fact that you were very open to suggestions from us and other public advocate groups as to how to make this process work. I

mean, there was never any intention that we ever read, from you or your office, that you were trying to sabotage this. In fact, you were being very supportive of this. And I got a call from the *Ledger*, asking me about that, and made it clear that I thought they were way off base in thinking about that. So I just want to state that for the record -- that I know, from the inside working, that you really took this seriously, went up to visit people in Maine, and came back and tried to work with us in trying to develop the appropriate levels of contributions and the process. And it was done in an open way. And I just want to state that for everybody to know.

ASSEMBLYMAN ROBERTS: Thank you very much. I appreciate that.

MR. DeLUCA: Just, if I can, on the cash contributions -- because it was a big issue. Do you have any recommendations as to how we ought to deal with that, going forward? And if you dealt with that already, you can tell me.

ASSEMBLYMAN ROBERTS: No, not really. And I said prior to your arrival that I wanted to refrain from, sort of, giving you specific recommendations, because it's -- you're going to be listening to lots of folks. And I don't want to prejudge the process.

But we've had the ability to accept cash contributions to political campaigns in the past. It's something that has been tightened up by the Legislature recently. There's lots of issues of propriety and reporting. So I think you have to balance -- put that on one side of the equation.

And the other is the reality, which is that most people I know don't walk around with their checkbook. So you have to figure out a way to allow them to participate. Maybe that is through a cash contribution

with a fairly detailed paper trail, or perhaps it's debit cards or credit cards, and other electronic means that make it easier. But I'll leave that to you folks.

MR. DeLUCA: The other question I had is, when we met last in this district, there was some suggestion that we might want to think about incremental payments and incremental thresholds -- that you set a base amount, and then above that you get more, and above that you get more, up to a maximum.

That sort of goes against the idea of having two equal pots of money for the set of candidates. Do you have any feelings about that? Because this all or nothing problem where you have to-- You might raise just 80 percent of the threshold, but you don't get anything. Do you have any sense about -- any feelings about that?

ASSEMBLYMAN ROBERTS: Well, in a little bit, you'll be hearing from two experts, the Assemblyman and the Assemblywoman-Elect who went through this and can give you some personal experience. And I think that the sort of incremental payment in this district -- the 6th -- I think was designed to deal with the fact that the Republican challengers, even though they tried very hard, fell short, in terms of reaching the compliance level. And I think there was a desire to give them some opportunity to receive the public funds, as well, to allow this to be a really legitimate test.

I think it's important though, if you want this to really demonstrate whether or not it can work, is to have a level playing field between both candidates, or both tickets. And I think they'll have very valuable testimony to provide.

MR. DeLUCA: I have one other question. It came up in our hearing in the other district, the 13th District, and that was from the Green Party candidates. They felt that even if they met the threshold -- because they had a similar threshold to the Democrats and Republicans -- they would only be entitled to half the amount of money. Could you tell us why that was the case, why they would only be entitled to half the funds that either the Democrats or Republicans were entitled to?

ASSEMBLYMAN ROBERTS: Well, you know, interestingly, if they -- and you may want to look at this as you go forward. If they comply fully with the same standards that are provided for the two major parties, perhaps they should be entitled to exactly the same treatment. Some of this was driven by the confines of the budget and what we thought we could afford.

There needed to be-- As we began a demonstration project, with a limited amount of money set aside for the demonstration project, there needed to be some predictability in terms of how many participants there would be. And I think that that had a lot to do with it, so we had X amount of dollars. But I think that's all subject to you folks taking a good, careful look at-- I think it's essential that everybody -- both the participants and the people on the outside -- believe that this is fair. And that's a legitimate concern.

MR. DeLUCA: Thank you.

ASSEMBLYMAN ROBERTS: Sure. Thank you very much.

Chairman, if you've concluded with me, I will--

SENATOR SCHLUTER: I want to give you -- and if I can use my prerogative as the Chair -- a little anecdote that is of interest. When the

original campaign -- New Jersey Campaign Contributions and Expenditures Reporting Act was developed back in 1972 and 1973, before you were even in junior high school, Assemblyman, we had to go back and forth with the Office of Legislative Services. And we came up with this idea, what about anonymous contributions?

There's a provision in the present bill which says that if anonymous -- if contributions in cash are made anonymously, they shall be returned to the donor -- anonymously they should be returned to the donor (laughter) -- or accrete to the State. And the person who put that little tidbit in there about returning it to the donors, so people could chuckle, was Sam Alito Sr., when he was head of the Office of Legislative Services.

ASSEMBLYMAN ROBERTS: When he was in charge of OLS?

SENATOR SCHLUTER: Yes.

ASSEMBLYMAN ROBERTS: Interesting.

SENATOR SCHLUTER: He did that just to tweak everybody.

ASSEMBLYMAN ROBERTS: Bill, you've been around a long time. You have a great memory. Excellent.

SENATOR SCHLUTER: Thank you very much.

ASSEMBLYMAN ROBERTS: Thank you very much. Thank you, all. It's great to work with you on this important project. I appreciate your help.

SENATOR SCHLUTER: Now, do we have other people who are testifying, Gina?

MS. WINTERS: Yes.

SENATOR SCHLUTER: Do they come up in the order of their--

Meanwhile, if the Assemblyman and the Assemblywoman-Elect can decide between them who shall come first-- We won't take it by order of submission of the thing, we'll take it by order of your own decision.

**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, do you mind if we both sit up here together? Is that all right? You may have questions for both of us.

**SENATOR SCHLUTER:** This is fine if you want to do that. But we want you to express yourself individually, one after the other.

**ASSEMBLYMAN GREENWALD:** That's fine.

**MS. REED:** Can we just put the poll on the record?

**SENATOR SCHLUTER:** Do this right now. I was going to ask you--

**MS. REED:** Tim, could you just give your name and your affiliation, and then say that you're submitting the poll study so we can get it on the tape and attach it to the minutes?

**SENATOR SCHLUTER:** We're going to hear from Mr. Vercellotti.

**DR. VERCELLOTTI:** My name is Tim Vercellotti. I'm an Assistant Director at the Center for Public Interest Polling, at the Eagleton Institute of Politics at Rutgers.

My colleagues at Fairleigh Dickinson and I gathered data in two statewide surveys and a survey in the districts -- the pilot districts for the Clean Elections project. And, for the record, I'm submitting a draft summary of our survey results to the Commission for inclusion in the record of today's hearing.

SENATOR SCHLUTER: Thank you. And that will be part of our record.

Now, Assemblyman and Ms. Lampitt, you've been here-- But what we did is, since we didn't have a full complement of Commissioners, we brought other ringers up here. (laughter) The Election Law Enforcement Commission--

ASSEMBLYMAN GREENWALD: I was going to say, Mr. Baroni had not aged well through this election process. (laughter) I like that. Very concerned.

DR. HERRMANN: He's still very attractive.

ASSEMBLYMAN GREENWALD: Yes.

SENATOR SCHLUTER: And, Ingrid, you can sit up here, because we want you to ask some questions, too.

MS. REED: Okay. I'm just filling out the slip.

SENATOR SCHLUTER: If you can proceed--

And I assume, Assemblyman Greenwald, you're going to start. And, basically, we're asking for your testimony to the Commission members about what you think can -- should be done with the Clean Elections process to improve it for subsequent elections.

ASSEMBLYMAN GREENWALD: Senator, thank you for continuing to hold these hearings. On behalf of Ms. Lampitt and myself, we're very proud to be here.

I'd like to just start off by saying that this -- I think this process was one of the most rewarding experiences of my political life, in the direct input that I had with constituents that, from my family standpoint-- Many of you know my family history. I got involved after my mother had passed

away. So many people in the 6th District, which is obviously where we ran-- We were so grassroots at family barbeques, coffee klatches in people's homes, that everywhere we went, somebody relayed to me a living story of my family, of my mother, that I had not heard before. And it was grassroots politics at its best, which I think is what the purpose of what this was, in many respects -- to give the democratic process back to the people and to that grassroots politics. And it could show that elections could take place in that way, as well as taking special interest dollars out.

We are here trying to figure out a way to improve this process. One of the problems with the process is that it was bemoaned so much in the press, which I think has created a real negativity around it, as opposed to looking at some of the successes.

When we drafted this legislation, and when Majority Leader Roberts worked so hard on it, the purpose was to clean -- cleanse government of the perception of corruption by taking special interest dollars out. That was successful in the 6th Legislative District, in part because Ms. Lampitt and I made it, and in part because we think we have created a framework or a foundation, that we discussed at the last Commission meeting, of creating a floor that all candidates would have an opportunity to achieve, and to recognize their efforts and their success.

We felt, and we still feel, that if someone were to acquire 2,999 contributions, and be one contribution short, and miss qualifying by one contribution, that would be inherently unfair and that the measure should be a standard based upon their level to succeed. But we also wanted to recognize -- as Majority Leader Roberts outlined in his testimony -- by

comparing this to other states. Their standards, while not as high, the reward of public dollars was not as great.

So we thought that there should be a floor of around -- as we presented -- a thousand contributions, so to speak. If you could get to a thousand contributions, you would qualify to enter into the program. If you then receive some level over and above that thousand -- whether it was 1,500, you would receive 50 percent of the money; 2,000, two-thirds of the money; and so on, and so forth. We think that is something that is fair.

We also believe that the structure of this should be changed -- that the information requested on the \$5 contribution was far too great. If the purpose was to inspire to be involved in the democratic process, asking people to write out a check after you educated them of Clean Elections, and then a detailed form -- in some respects, in greater detail than was received by someone who, under the old system, would make a \$2,000 contribution -- was turning people off to the political process, as opposed to engaging them and bringing them in.

So we would encourage, as I heard the Senator talk about and some others, if someone wants to make the \$5 contribution, and they want to pay in cash, they ought to be able to sign some kind of affidavit or voucher that is was their money, and do the same information as they require when someone signs a petition to run for office.

I think there's some debate as to the \$30 contribution. In some respects, I think we found it easier to get the \$30 contributions. And we didn't receive as much push back on people writing a check for the \$30 contribution.

The next thing I think that we would ask that this Commission focus on is the education of the public on this. And, of course, the first response is, "Well, what can the State do to put money into this program to educate the public?" While I'm not opposed to the State funding an educational program, I think before we go there, we have two years before the next election cycle, 18 months before the next cycle begins, so to speak. It's supposed to be grassroots. The community activists groups that were involved in this, I think, should-- Before we spend more taxpayers' dollars to educate on a program, we ought to look at getting those community groups engaged over the course of the next year to really publicly push for a Clean Election program.

And I think we ought to tailor that push. There should be a push and a pull. There's going to be a proposed four districts in the next election. Does the advertising program, the educational program, have to be statewide, or should it be in an area of the designated potential districts that this campaign would be focused on? So spend your money in a concentrated effort to get the knowledge base in those districts where this is going to work, as opposed to diluting your message statewide to 8.5 million people, where the vast majority of them will not be participating in this.

That, I think, will also go to help eliminate this notion that because there were two districts, one was successful. And in the one, only two candidates made it. I look at this down the line. If, 10 years from now, 15 districts are in the program, 10 districts are successful, that to me will be a success and not a failure. We made significant strides here. And we should focus on those significant strides and how we can educate the

necessary public where this will be focused on in the future, to make sure that this works.

I guess, finally, one of the other components I'm concerned about, and I think needs to be addressed, is the area of a watchdog group. This Commission is an educational Commission. It is to judge the success of the program and to render opinions.

But what we found in this process-- If you were to take our formula and our foundation that would suggest that if you reach a certain level above a thousand, you're going to qualify for public funds, the moment you accept those public funds, you are a Clean candidate. You are, by definition, a Clean candidate. No ands, ifs, or buts about it. The playing field has been leveled based on your ability to achieve success. It is never going to be even. Incumbents will always have an advantage. Families like mine, with a legacy of public service-- I can't give 30 years of public service that my family has to my opponents unless they themselves have 30 years of public service. So the purpose of this is to level the playing field, not even it. That has to be a clear distinction.

Once you do that, and people qualify for the program, and they accept the dollars, there has to be a watchdog group -- whether it is a part of ELEC, a subset of them, the Attorney General's Office, or a group that a Commission like yours appoints from a body like yours -- a couple members from this group -- that will literally watch the districts in play. Here, there was one district. Next year-- In two years from now, at most there's going to be four. It can't-- Those complaints or violations of the Clean Election program-- In order to send a sense of fair play to the people that are going to put their names at risk and participate in this program-- In order to

ensure to those people that are putting their campaigns on the line that there is going to be fairness, they need to know that if there is a violation, there is going to be swift and immediate action. Because you do not have the resources to go out to your party apparatus or your fund-raising mechanism to defend your candidacy and your name.

The reality is that, I think, what happens now is, you go into a pipeline of complaints of local, county, statewide elections. You may get hurt six or nine months from now. By that point, in a Clean Election, it's too late.

I think that it is necessary that a watchdog be actively engaged in this, look at the ELEC filings, see if there are any violations in those filings, make sure that the filings are consistent. When you're a Clean candidate, you're not to take any in-kind contributions, make sure that none have been done. When you're a Clean candidate, you're not to accept any pieces from any third-party like the Camden County Democratic Party, or the Camden County Republican Party. If that is done, it is an immediate violation with penalties. If there are-- Whatever the violation may be-- If there are pieces that go out without attribution to where the forms and the information came from, it is a violation. And that watchdog group that is watching, every day, this one district or these four districts, immediately sweep in, and there are penalties imposed. And the reality is that that has to exist, and that there has to be a defense mechanism to protect the purity of this process. Because, after all, we are doing this to cleanse the process and to create a level playing field. If people can just skirt around the essence of this law with no repercussions, then you haven't really achieved anything.

That's all I have.

SENATOR SCHLUTER: Thank you very much.

I think maybe what we ought to do is have Ms. Lampitt give her testimony. And then we will have members--

We do have Assemblywoman Greenstein here. Thank you for joining us.

That still doesn't give us a quorum.

Then we will have questions of both of you.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: If we talk long enough, maybe more people will show up, and then you'll have a quorum, right?

SENATOR SCHLUTER: Yes.

So if you can, proceed.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Sure.

Well, thank you all very much. I sit in front of you very proud to be the first female Clean Elect candidate, and beholding this honor. And I wear it very proudly.

Like Louis said, this was a process of distinction, actually. And we're really pleased every day that we're out there.

You talked about corruption, you talked about all of that whole process. And what we found during the whole grassroots part of all of this was that corruption lends to the fact that we're not out there. The Assembly people, the council people, we're just not out there as much. We're not out there. We can't be touched by our constituents. Gina is my constituent in Cherry Hill, and I didn't even know it. She lives around the corner. There's a fine example of what reality is.

People perceive corruption because they don't have a face to go along with it. With this process, there was grassroots. With this process-- We started this back in May, June, getting out there, meeting people, talking to people, and giving this sort of time with them.

When we started doing our contributions, we started knocking on doors, realizing that that was not the way that we were going to be able to achieve this, because of this education process. The education process was too long to be able to explain to people. And we weren't able to maximize our time at the door front to be able to collect these sort of funds. And so we had to rethink our process, which was really important.

But in terms of the education process, Louis brings up a really great point. We only have to really focus on the areas in which we're actually concentrated. The problem is, we can't rely upon the newspapers to be able to do our communicating for us, our education process for us. We have to do it for ourselves, or these grassroots groups, that are in compliance with us, will do it for us, as well. This is where the concentration needs to happen. People need to be educated about the process.

Earlier, Joe Roberts talked about the Assembly race. People didn't know about the Assembly race, people didn't know about Clean Elections. It's all, sort of, folded in. And it doesn't work for our advantage, in terms of the Clean Elections, but we were successful. But we were successful because we took to the streets, we took to the backyards, we took to the coffees, and we did this early. Education was one of them.

Time frame we talked about. You all talked about the time frame. I wonder about the time frame itself. If we were-- If we did not

start the process when we had to, immediately, I don't know that we would have achieved, when we achieved, our goal. We achieved it with a week to go. However, I don't know if we would have been pushed to be able to do it as hard as we pushed ourselves. You know, in anything, procrastination-- If you lengthen the period of time, people will just procrastinate to that period of time. The fact is, we extended it by a couple of weeks. But by extending it a couple of weeks, we pushed back everything else that had to be done, which was receiving the money and being able to actually institute the part of actual campaigning that is part of the process, as well. And what I mean by that is, we had a short window of time to actually create mail pieces and be able to get these mail pieces out to communicate our positive message.

So holding firm to the actual final date is really critical here. But the actual initial date is also as critical, because you need to push yourself. And dates are very, very controlled in this aspect.

The contribution aspect-- I agree with Louis wholeheartedly in creating a threshold. We actually implemented it in this particular campaign with handing over \$75,000 to the Republicans, because they did achieve some sort of capacity. They did work hard, and they did achieve some sort of capacity. However, the \$5 and the \$30-- I'm an advocate for not truly dictating to people \$5 or \$30. They couldn't understand why \$5 or \$30. Give it the threshold of possibly \$30, and then people can give what they feel they are comfortable giving.

It was very hard, because we-- One point that Louis always makes when we're out there talking is that-- And you were concerned about the party affiliation. Our party affiliation-- We had about a little over 200

people who were within our party affiliation who could have given to us, but only 50 percent did. The majority of our participants, actually, were senior citizens. So our senior citizens are the ones who reached into their pocketbook, found that checkbook -- because it's always near and dear to them. They haven't relinquished it. They don't know what debit cards are. It's very near and dear to them. And they were writing their checks for \$5. So we were able to accomplish this because we were able to reach out to our citizen constituents. And they believed in us. They didn't know about the project. They didn't understand Clean Elections. But they looked at Louis, and they knew Louis, and they looked at me, and they liked me, and they wanted to write a check because they believed in us. They didn't understand the Clean Elections process though. It was important that we explain to them the Clean Elections process. We felt our (indiscernible) of responsibility in doing so.

One of the other parts-- I mean, our workforce is sitting right here. They have a lot to say about this as well. One of the things that they were very committed to was the filing deadlines. To know where everybody is, is to commit to those filing deadlines.

Louis spoke very strongly about having an oversight commission. I speak very strongly to holding firm about the filing deadlines so that you, as well, know what is going on. You need to have a feel and to be able to touch what is actually happening. We sent-- The ELEC commission sent back several checks to us. We had to do a lot of research to get them finalized, submit them back again. The only way to be able to do that was to file them, determine whether or not they were viable, and

have them sent back to us. That's why it was instituted. I think it needs to be not an option. I think it needs to be something that is mandatory.

Ingrid spoke about debates. The debates were an interesting process. It was the first time for me actually having to participate in the debate process.

The debate process, Ingrid, was really difficult because, again, two weeks pushed back -- and the two-week deadline -- and then the responsibility solely upon us to be able to coordinate the debate process became a little bit of a factor. So if you only have two candidates that actually qualify, to actually convince the other two candidates in the process to actually be involved with this, and get them engaged, was really a challenge to do. So I think we need a little bit more work, in terms of the debate, the debate process -- how it actually is enveloped, and how it actually does play out.

Again, I'm sitting before you, really proud to be part of this process. And I am sitting before you, as Joe Roberts said, as one of the actual candidates that could benefit from this process. Because I did not-- I work at the University of Penn, some of you know -- 24 years. This is where my base is. My base is not throughout New Jersey. And so if I'm going to try and raise funds to campaign, that would be terribly difficult for me. But having this Clean Elections process, although it was a challenge, was the way I was able to be afforded this responsibility -- and I thought of it as a responsibility -- to be able to campaign.

Thank you.

ASSEMBLYMAN GREENWALD: Just one last thing. Pam mentioned the filings. We agree that it should be mandatory. We really

lost a tremendous opportunity to study this experiment when that was made permissive, and people -- we were the only ones that filed at every filing along the way. Because you're never really going to know who gave up at some point. And they put on the proud face publicly, but they had given up a long, long time ago. Did they really change their style?

Pam and I are willing to share with this Commission, with Ingrid, with Eagleton Institute, with anybody who wants to analyze, what we did early on that wasn't working and what did work. And that we were scared to death that we would fail and be embarrassed publicly, where I don't know that the other people felt that same angst. And that's why Pam and I truly believe the filing must be mandatory.

And I also believe, from a sense of good conscienceness, you're asking for people to write a check, not to us but to the fund. Every check should be deposited. Checks shouldn't be returned, they should be deposited. When someone writes a check, they're writing a check for the program to that candidate. And it has to be deposited.

And an interesting fact that we found, in looking at the numbers, roughly 6,200 people contributed to this. Only 25 people contributed to both sides. Politics is a sport, and people pick their favorite team. And the reality is that out of those 25 that contributed to both sides, you're looking at two of them, and our spouses, and our friends. And when you take us out of it, it was next to none. And I think it does send a clear message that we did this because people think the system is corrupt, so to speak. We didn't have one person tell us, "Thank God you're doing this, you're cleaning up politics, you're taking special interest money out." Not one person said that to us. Everybody talked to us about property taxes

and, at the end of the summer, about gasoline prices. Not one person said pay-to-play. We didn't get that from one single person. And the reality is that people endorse their candidates that they wanted to see qualify and that they wanted to see win.

SENATOR SCHLUTER: Thank you very much.

And we'll start--

We have Mr. Lenox here, who is with us.

And we thank you very much, Steve, for coming. I know that you said you might have a problem. And it's good you're here.

We're one short of a quorum. And we have Assemblywoman Greenstein and Vic DeLuca.

So our process is to -- for everybody to ask questions of you so that we can get a better understanding of your problems and make recommendations for refining this legislation.

We'll start off with Mr. DeLuca, and come right down this way.

Vic, if you want to, lead off.

MR. DeLUCA: Thank you, Mr. Chairman.

Thank you, and congratulations for both participating and for your victory.

ASSEMBLYMAN GREENWALD: Thank you.

MR. DeLUCA: Could you talk a little more of your idea of the thousand contributions you qualify? And then what would be the next increment after that? And how would that work?

ASSEMBLYMAN GREENWALD: I think you have to establish a floor. And I think the floor has to be something that is obtainable. I think if you look at the four teams that were involved in this,

three of the four got at least a thousand contributions. So I think a thousand is an obtainable goal.

I don't then put any other benchmark on it. This is just our simple analysis, bemoaning the process as we went through it. But, to us, the system was pretty clear. If you got to 1,001 -- roughly a third -- you should get a third of the qualifying money. If you get to 1,500, you got half; 2,000, you got two-thirds. But you had to get at least to that benchmark.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: What's interesting is that nobody's really spoken about whether or not \$65,000 was enough to run a campaign. And so that's another issue that, I think, needs to be brought up, in terms of whether or not the amount of money that's being received is enough to actually run a campaign.

ASSEMBLYMAN GREENWALD: I think you'll hear a lot of frustration from us. We are also frustrated. I don't know how you get the message-- I don't know how you get this fairly reported in the press. In every article that they ran on this district, they talked about our ability -- and you heard this at the last meeting -- our ability to raise \$500,000, compared to the other party that could raise 20. And we said in front of the reporters at the last meeting -- and the very next day they wrote the same thing -- "The Democrats raised \$500,000. The Republicans had 20."

If we had raised and spent \$500,000, the way the law was written -- and Mr. Herrmann acknowledged this -- we would have qualified for \$500,000, not \$65,000 each. Yet they continued to create this greater dichotomy, because they wanted to show this greater difference. There has to be some mechanism in order to make sure that it's fairly reported. And I

don't know if that includes groups like yours writing op-eds in the districts that have to be -- that were printed in the papers to, again, level the playing field, to make sure that the accurate story -- not a bias story or a slanted story -- but an accurate story is printed and reflected in the papers.

SENATOR SCHLUTER: Excuse me.

Before Mr. DeLuca--

You said, in steps -- in increments to qualify for some basic amounts of money. When you said a thousand, you mean a thousand, 500 each?

ASSEMBLYMAN GREENWALD: Yes.

SENATOR SCHLUTER: You're still talking about splitting it between the two candidates.

ASSEMBLYMAN GREENWALD: Yes.

SENATOR SCHLUTER: Incidentally, I think we as Commissioners ought to be sure that Gina, here, flags any individual issue that we want to discuss, such as incremental.

So be sure that you make a note of that--

MS. WINTERS: I'm going to make a list for you.

SENATOR SCHLUTER: --that this incremental, which Mr. DeLuca has positive--

MR. DeLUCA: In 2007, we'll be talking about four districts, presuming that this goes forward. Part of the testimony that we received is that the districts were selected "late." I'm not sure, because it really followed the legislation. But it was late. I mean, it was towards the beginning of July -- or I guess the end of July. Is there any benefit to suggesting that the districts be chosen now, for example, for 2007?

ASSEMBLYMAN GREENWALD: No. I think it can be chosen earlier. I think it's too soon to choose now. Because if you choose now, you may retard the progress of what may be a true, bona fide candidate. I think what you want to do is-- I think the individual parties should be on an aggressive recruiting mission to go out and get true, stellar candidates.

People said, "Well, this was too hard to do." Again, I come back to what I said at the last Commission. Did the program fail, or did the political parties fail at getting the most qualified candidates? There are, in our district, local, elected Republican mayors who have been in office for 10, 15 years. Their base to get these contributions would have been better. I think there needs to be more time to get the contributions, and it has to be longer than the roughly two month window that took place in the summer, with Fourth of July and Labor Day weekend falling in between. But I think if you started right after the primary, and added that whole extra month-- I think three months would be a significant amount of time.

There was also-- Look, there was some criticism. No one criticized the extra time. But then people, for certain purposes, wanted to criticize that by granting the extra time, the money got pushed back into the beginning of -- the end of September, beginning of October. Those of you who have run for office know, no one's focused on these campaigns until October anyway. So I don't know if that created a hardship.

So you might be able to even go through the third week of September and add, really, three months and three weeks. And that should be more than enough time for someone to certainly hit that 1,000 benchmark.

MR. DeLUCA: Based on your campaigning in the past, did you find that because you had to go out and speak to more people in trying to raise the dollars, that you actually spoke to more people this campaign, more one-on-one?

ASSEMBLYMAN GREENWALD: No, I don't think we changed too much of what we did. I think we changed the timetable in which we did it. Pam talks very eloquently about how frustrated we got after a week to 10 days of knocking on doors. We always knock on doors. But we start knocking on doors in June -- May, June. We realized that was never going to get the contributions. We always do coffee klatches. We do those more in October. We kind of reversed that. We did the coffee klatches to get the contributions. We did door knocking later. A very simplistic, strategic reason for that is, it gets darker earlier. Door knocking, at this time, seeing a hulking figure on your doorstep -- people are not as receptive to answer that door.

So the strategies have always-- This is pretty simplistic stuff. You knock on doors in the summer, where the days were longer, and you did coffee klatches in the--

MR. DeLUCA: Right.

ASSEMBLYMAN GREENWALD: That's what we did. We reversed that, because we needed to get the contributions. So I don't know that we saw more people.

I do come back to, we spent more time educating people on why we were there to see them. And I will tell you honestly, from my heart, as a public servant -- and Pam has only been at this for two years as a councilwoman -- we felt frustrated. We're here to serve you. There was a

tremendous-- We felt very awkward asking somebody, "Look, we know you vote for us to work for you, but we need you to give us \$5 or \$30." It was-- There was an awkwardness in educating people to the process, and then asking them for that money. It would have been easier if they had known about Clean Elections. And I think as time goes on and they're more familiar with it, that will be easier because people will just be used to this.

MR. DeLUCA: Just two more questions on the amounts of contributions. You talked about maybe the 30 was easier than the 5. When we were talking about this initially, there was some proposal just to say, well, candidates have to-- The threshold is not the number of contributors, it's just the dollar amount. So if you got a couple hundred here, and 30 here, and 5 here-- As long as you come up with the--

When you're making-- When you're talking about maybe changing the 5 and 30, or doing something with the 5 and 30, do you have any suggestions on specifics? Should the 5 and 30 stay, should it be -- should there be a blend, should it be a combination of both?

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Well, I spoke earlier. I think that it should be anywhere from the 5 to the 30. Because I think that people still want to feel they're empowered to make a decision. When you give them a choice of 5 or 30, what happens if somebody could only give -- only wanted to give 10, what happens if they wanted to give 20?

We didn't really speak-- We didn't go into depth about the actual check-writing process, too. If somebody wanted to give to Lou and myself, they had to write two checks. They couldn't understand why. "Why can't I just give one check?" I believe that process should be

investigated, as well. Because if they're just giving to both of us, why not just write one check?

But I do think that the 5 and the 30 should be investigated to allow them this opportunity to-- If they wanted to pull out \$12.50, they should. But it still should be the number of contributions that are given, up to the 5 and the 30 -- some differentiation there. Because it is about the grassroots. It is still about reaching out and finding your constituents.

ASSEMBLYMAN GREENWALD: Let me just-- The more Pam talks, I don't know that I agree with Pam 100 percent on this. But the more she talks about it, the more sense it makes to me.

Pam and I have talked about this. She is right when she says this, because there was great frustration in people that didn't have \$30 but wanted to give more than 5. So they would have given 15, but they couldn't, so they gave 5. So she's right when she says that.

For me, I want to try to make this as simple as possible so that it's as easy to qualify. And I think if you're collecting, literally, \$.25 from people-- If you had people giving you what-- And they would. Believe me, they would. It's just going to be harder to track, and more paperwork. So I don't know where I fall on that yet. But I will say this to you, I don't know-- I'm not comfortable going over \$30, or much over \$30, because that takes away the purpose of this. And it's going to favor, quite frankly, people like me, who had 10 years of experience and had lots of connections in the business community. And it would hurt newcomers like Pam.

MR. DeLUCA: Mr. Chairman, just one last question.

What would you say to a critic of the campaign that says, "Okay. So for this election period, they're Clean. They played by the rules,

they got the money, but in the off years, they're out raising dollars from the big contributors that are putting it into an account, their election fund, and they're making contributions." Should there be something that if you're a Clean Election candidate, that in between elections, there should be some regulation?

ASSEMBLYMAN GREENWALD: Well, that would depend on whether or not we knew in advance that we were going to be Clean Election candidates again. If we were guaranteed that, then I think, maybe, yes. But I would also say to you that if that's the case, there are other moneys. Those of you understand-- Those political action committees are used for more than just running campaigns. They're used to support public research groups. A lot of us use them. We use them to support Boy Scouts and Girl Scouts. Maybe people would say that's not necessary. Look, when we've had troops who have died in Iraq, a lot of us have used our political action committees to help offset some costs for people.

So I don't know where I am on that just yet, to be honest with you. And I will also tell you I am very concerned about the actions of what has become a proactive press, that doesn't seem to write the stories. They seem to be creating news as opposed to reporting news. And, in many respects, those political action committees are the ability to defend yourself. I mean, I have put out pieces in non-election years to educate people as to my role in the budget process and what we've done; because I can't get a newspaper to write about funding for group homes for the disabled, because that's not newsworthy.

MR. DeLUCA: Thank you.

Thank you, Mr. Chairman.

SENATOR SCHLUTER: Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: Thank you very much.

SENATOR SCHLUTER: And, excuse me, we're not ignoring Ingrid down there. You'll have a chance to ask questions.

MS. REED: No, no, no. You're close to a quorum. I'm going to sit on the other side.

SENATOR SCHLUTER: No, that's all right. You stay up there. Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: I want to congratulate both of you on doing this and being the first. It's always hardest to be a pioneer. And I know you worked hard on this.

Just a comment I want to make -- something that I was thinking of doing in my district -- and I'm really hoping that maybe this is something that people can do in other districts, also -- is an education program now. I was thinking of starting it as kind of a *constituent project*, as we call it in my district office, using my staff. And getting out there and doing some seminars on this so the people are aware, in case my district is selected in the future. And whether I'm the candidate or not, people in the 14th Legislative District would know. And I think that would be a very good project for a lot of the legislators to get out there and educate, so we don't have to educate at the door if we're a selected district in the future.

Does that sound like something that you think could be useful? It's something that could be easily done through most of the legislative offices.

ASSEMBLYMAN GREENWALD: Linda, I don't know how your district works. I think it's a noble effort, and I think it's something

that should absolutely be tried. When we hold town meetings in our district, this is it. (indicating)

ASSEMBLYWOMAN GREENSTEIN: Town meetings wouldn't be the way.

ASSEMBLYMAN GREENWALD: So I don't know how you're going to-- I really think you need support from outside groups that are going to hold those forums where you can come, as a legislator, and testify that you are welcome -- you welcome it into your district.

ASSEMBLYWOMAN GREENSTEIN: And that would be another way to do it, to do it when I'm invited to speak at a group, let's say. And that's probably the way I would do it. I have built-in, 100-person audiences at those. And that's what I plan to do. And I'm hoping other legislators might.

But I wanted to ask you-- I remember, at one of the first meetings that we had, discussing some of the problems in this -- might have been around June or July. Lou, you testified. And at that point, you weren't 100 percent sure if you were going to do it, but you were very positive about the whole thing. And you mentioned some concerns. You just weren't sure at that point.

By the next meeting, you had done it. You really-- Either you were there, or you felt you were going to be there. What was the change in what you did? You may have said this earlier. I missed the early part of your testimony. What did you do that you think really worked here? And what were you doing early on that didn't work as well, or made you think you might not get there?

ASSEMBLYMAN GREENWALD: We were aggressively knocking on doors for the first week, every day. And we were hitting 20 doors an hour. And in 20 doors an hour, we were getting seven to eight people.

ASSEMBLYWOMAN GREENSTEIN: And that doesn't surprise me at all.

ASSEMBLYMAN GREENWALD: And out of every 10 people that we actually met and talked to, we hit, on average, 10 percent, one per 10. And Pam finally looked at me and said, "We are never going to make it. We've got to sit down. We've got to reevaluate. This is not working." And we started to look at what else we were doing, and what else we had planned. And we planned coffees, these coffee klatches, barbeques in people's backyards. And we found volunteers to literally go out and just flood their community with mailers. People they didn't even know. They just went around the street and dropped mailers in doors. "On such and such a date, there's going to be a gathering at our house. You can meet the candidates. Bring your checkbook. Clean Elections, \$5 and \$30." And that was it.

ASSEMBLYWOMAN GREENSTEIN: You had a network of volunteers out there who were supporting you, who were able to go out and do it.

ASSEMBLYMAN GREENWALD: What we went to, which I think any political organization would have-- Because I think it's--

Linda, when people say network, my fear is-- Again, I focus on the criticisms, because I think it's unfair to the program. We were criticized because -- "Well, of course, they made it. They're part of the machine in

Camden County.” That’s not how we got there. We have a list, like you have a list, like the Republican party has a list, like both parties in Monmouth County have a list, of people who traditionally hold coffees for their candidates. We went to that list of people, volunteers, and said, “Look, we know you hold coffees. Would you mind holding it earlier? Would you mind holding a barbeque? Would you do this, would you do that?” And that really changed.

Now, I will tell you, we also thought of doing a drive-in movie night for the kids, like getting Shrek 2. And it would be \$5 admission, or \$30 for a family. We never got to that point. But we thought of a concert in the park, where we would get somebody to donate the band. But was that an in-kind contribution? We weren’t sure. Then if we had to pay the band, it had to come out of the \$3,000 seed money. So we really took it very seriously, and made sure we followed those rules stringently.

ASSEMBLYWOMAN GREENSTEIN: I was going to ask you about that. Was there enough seed money to do the kind of mailing or different projects that you wanted to do? Because I thought that number seemed very low -- the amount of seed money.

ASSEMBLYMAN GREENWALD: It’s interesting. The seed money allowed us, for one thing, to do a 4,000 mailer -- piece mailer to Democratic voters that had voted in every election for the last four years.

ASSEMBLYWOMAN GREENSTEIN: Is that enough? Was that enough to--

ASSEMBLYMAN GREENWALD: Ironically, we got 400 contributions. Again, that 10 percent number kept coming up. We got 400 out of that.

What we then did was take that list and follow up with phone calls and say, "Listen, thanks for giving. You've never met us. We appreciate your contribution. Would you mind holding a coffee where you would invite 10 of your friends?"

ASSEMBLYWOMAN GREENSTEIN: I just think it's great. I'm just thinking of my own experiences doing godzillions of doors in every election. And I just think to really get somebody to go to the point of giving even \$5 is such a big step. I mean, they might eke out that they would support you, but to really go to the point of giving money-- I think it's hard.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: When they came, many people did not bring their checkbook. They were still hesitant about even actually doing it. And we got many checks after the coffee.

But I think the one thing that we continue to leave people with -- the impression that you leave them with -- is that, "You saw us." The whole face time. "You saw us, you talked to us, you heard what we had to say. We're real people. We're your neighbors. If you liked what you heard, if you liked what you saw, tell 10 people." And that just flowed. And that 10 people, tell 10 more people, just kept on flowing. And that's how it occurred.

ASSEMBLYMAN GREENWALD: We asked every person we spoke to if they could find three other people to give us a \$30 contribution, and five people to give us a \$5 contribution. And we would go to a coffee with 15 or 20 people, and within a week from that coffee, from that root, would come 60 contributions.

ASSEMBLYWOMAN GREENSTEIN: How many coffees would you say you had during the whole election season?

ASSEMBLYMAN GREENWALD: I don't know. We'd have to add it up.

ASSEMBLYWOMAN GREENSTEIN: Just approximately.

ASSEMBLYMAN GREENWALD: I would say there--

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: We gained about 15 pounds on brownies. (laughter)

ASSEMBLYWOMAN GREENSTEIN: I always feel there aren't enough days.

ASSEMBLYMAN GREENWALD: We really didn't do coffees on Sundays. We did some barbeques on Saturdays. Friday nights were kind of off limits, because people were with families.

ASSEMBLYWOMAN GREENSTEIN: So when did you do it?

ASSEMBLYMAN GREENWALD: Monday through Thursday, some Saturday barbeques, and coffees-- You could really fit in no more than two a night.

So I think we would have, on basis, anywhere from five to eight a week.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: We weren't home any night except for, I think, Friday night.

ASSEMBLYMAN GREENWALD: But in addition to that, we reached out to our-- You know, I reached out to my church, and people at our church. And a wonderful woman who goes to church with us, Gwen DeVera (phonetic spelling) -- Gwen DeVera -- I think as they were handing out the basket in church, she went around with a form and asked people if

they wanted to do Clean Elections. (laughter) But she was also unique, because Gwen was Filipino. And she is a very active member of the Filipino association. Well, that became another avenue for us. So now we didn't just have the church, but we had someone else who had a whole other group of people that we went to talk to and got flooded with more contributions.

Then we met this wonderful family -- a Pakistani family -- who opened their home to us and brought in all of their family, their extended family, their neighbors, and their church -- they brought into their house. There must have been 70 people in the room that night. And they--

When I say it was rewarding--

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: You can't even imagine.

ASSEMBLYMAN GREENWALD: These people were so proud to be Americans, and to be a part of the democratic process, you cannot imagine. And that's what we wish everybody could see, because that's why it was a success.

ASSEMBLYWOMAN GREENSTEIN: I find, in my campaigns -- which are always very active, too -- that I get all of the-- The experiences you're describing to me, but I've never had to go to the point of asking for \$5 or \$30. And I always feel that would seem like such a big step. I've been in those rooms with all those wonderful types of people that you're describing. And I just think it would be tough. It would be an interesting experience.

ASSEMBLYMAN GREENWALD: Linda, we talked about the awkwardness of it earlier. It was very awkward standing on someone's doorstep with their kid pulling at their pant leg, "Daddy, where's my juice?"

Because I get that. “Daddy, where’s my juice? Where’s my juice?” And saying, “I know you’re busy right now, but could you give me \$5?” It was not comfortable.

But, ironically, when you were in a group as small as 10 or as big as 70, it was very easy. Because they were there, they were captive, they wanted to hear what you had to say. And as Pam said, if they liked us, \$5 wasn’t a big deal.

ASSEMBLYWOMAN GREENSTEIN: I think it’s great that you--

This had to have, I would think, somewhat of a different experience than the past campaigns, because this is different. This is tough, really tough.

ASSEMBLYMAN GREENWALD: Linda, look. You fund raise. You’re in a tough district. I tell people all the time, one of the most humiliating things you have to do is call people and ask for big money. If every one of us could do away with that, we would do away with it in a heartbeat. This was much easier. But there has to be-- We are missing a key component to this. If there is not a protection in place to protect the Clean candidates from outside pressures -- whether that outside pressure is some third party or the free press that--

When we gave part of the money -- we were called *tremendously arrogant* when we put on a requirement that they live by the Clean Elections standards. We gave the money, but strings were attached.

ASSEMBLYWOMAN GREENSTEIN: You were trying to make the program work.

ASSEMBLYMAN GREENWALD: You were damned if you did, damned if you didn't. And it was a very frustrating experience.

ASSEMBLYWOMAN GREENSTEIN: The last point I'd make is that I think, to make this successful in the future, it goes beyond what you folks had to experience and was so hard this first time -- making people think they want to give to you. That's important. But I think, also, the education process should be such that we make people see this is for them. Ultimately, changing our campaign finance system helps them. They have to see that it's beyond just, "I want to support this candidate."

ASSEMBLYMAN GREENWALD: Amy was here. I don't know if Amy--

We saved-- We got cards and letters from people that you can't imagine, that felt liberated by being a part of the process. And we would share those with the study. We can't tell you enough; it was an amazing experience.

ASSEMBLYWOMAN GREENSTEIN: Great job.

SENATOR SCHLUTER: Steve.

MR. LENOX: First, I'd like to apologize for being late, coming in halfway through your presentation. I apologize for that.

But congratulations to both of you for making this program-- Obviously, we see that it can work.

But that final statement that you just made about your cards that you got-- I think you answered my question that people felt liberated. And you also mentioned there about the press, how they treated you. And you're damned if you do, damned if you don't. Why would any candidate want to go through this again?

ASSEMBLYMAN GREENWALD: Steve, you know something? That is a-- There were days when Pam and I felt that way.

When we deliberated amongst ourselves, and would-- We took time away from campaigning to get our name out there, to sit down and think about what would be fair, fair to the other side, fair to us, allow the program to survive. And to do something that had never-- To write a check for \$75,000 to your opponent that they're going to use to ultimately tear down your name unjustifiably, without facts or figures; to get beat up for that the next day, and to not have any watchdog in place that was able to rush to our defense and impose penalties-- That was a very frustrating experience.

We kept saying to ourselves we knew, from what we were hearing in the public, we were going to do well, and we would win. But the real test for this-- Our district met the criteria for competition. The real test for this is in an even more competitive district. Well, if I'm an incumbent, and I'm in a competitive district, and I don't think I'm going to get a fair shake, and I can't defend myself, and I can't have my party rush to my defense, I don't know that you're going to get that candidate. Not someone like Lou Greenwald, who has served 10 years and five terms. Are you going to get somebody who is in their second term? Would you get a Jennifer Beck or a Michael Panter the next time out, who feels that they have been beat up, to volunteer for this, knowing that there is no defense mechanism for them if they are unfairly criticized? That's the true test.

And I think what this Commission needs to do is figure out-- Uncover every stone to put in place every protection to protect those two in a competitive race. And then you'll have your answer.

MR. LENOX: That's it. Thank you.

SENATOR SCHLUTER: I have several questions. And they're rather specific, so I think they can be a yes or no answer. And either of you--

When you talk about getting checks made out to the Clean Elections Fund, and you-- Did I understand you correctly? You believe that all those checks should be sent in on a schedule to ELEC, is that correct?

ASSEMBLYMAN GREENWALD: Yes.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Yes.

SENATOR SCHLUTER: Within 10 days of receipt.

ASSEMBLYMAN GREENWALD: Whatever the filing dates were, Senator, that was in the law. They should be filed on that date.

SENATOR SCHLUTER: Okay. Because in another district, they weren't sent in, and they were held back. And then there was no way of monitoring how much they got, and so on. But you believe that they should be, and there's no hardship.

Would you-- There's this other question. If you don't qualify, do the people who made out those checks get that money back? Would a simple system be reasonable? If they send the money into ELEC-- The money is taken into ELEC by your campaign every 10 days, or whatever it is. And then it's held there. But if you don't qualify, that money would go back to the people who gave it, from ELEC? Is that a--

ASSEMBLYMAN GREENWALD: Senator, I don't know that I-- I think people are buying into the program. And I could be swayed either way. If people want the money back, that's fine.

SENATOR SCHLUTER: But that could work.

ASSEMBLYMAN GREENWALD: It could work.

SENATOR SCHLUTER: It would not be a hardship on you. It would be up to ELEC.

ASSEMBLYMAN GREENWALD: No. It's an expense on the State to send the checks back. But I can be sold either way.

SENATOR SCHLUTER: But you definitely believe that mandatory filing time should be observed.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Right.

SENATOR SCHLUTER: I would agree.

Assemblyman Roberts -- before you came, Assemblyman -- said that you need more time. Maybe consideration should be given to starting the Clean--

Excuse me, I'll back up a second. We're not talking just about a couple of pilot districts. We're talking about trying to get this thing into the whole Assembly system. But he said that-- He was saying that maybe you could start the business of getting qualifying funds when people file for the primary in April. Have you got a comment on that?

ASSEMBLYMAN GREENWALD: Senator, we suggested starting right after the primary in June. I think you could go to April. At some point, you have to be close enough to a point in time where people are actually focused on the campaign, or they're going to lose-- "I wrote this check. What did I write it for again?" And eight months later is going to be the election.

But I think the point about the primary that's important -- and you know. In our district, the primary is irrelevant. But there are some

districts in the state where the election is the primary. And that may be-- Quite frankly, when you look down the line at this in the future, and you want to see this statewide, you're wasting your money if you're spending this money in the general election. So there has to be some consideration of that in the future.

SENATOR SCHLUTER: Because one of our charges is to consider factoring the primaries for '07.

ASSEMBLYMAN GREENWALD: Sure.

SENATOR SCHLUTER: In some public financing situations -- I'm thinking of the national level for president, in the primary -- they have, I think it's, you can make contributions. But only the first \$250 can be applied against the qualifying amount. And then for each state, a presidential candidate has to get so many states with at least \$5,000 of contributions up to the \$250. But they can get contributions over. And that system seems to be working.

What if the contribution level were, say -- pick a number -- \$20. You can make a contribution. And the first \$20 is -- or up to \$20 is available for the Clean Election fund. And then they can pick \$10, or \$20, or something like that.

And I am thinking that if this ever goes to something more than just total public funding, if there is a private funding component in there with it -- which a number of states, a number of constituencies have -- that that might be considered by this Commission for recommendation.

ASSEMBLYMAN GREENWALD: I'm not familiar with that, Senator. I don't know how they mix the two. So you're saying they get some public funds, and then they can do traditional, private financing?

SENATOR SCHLUTER: New York City, for example-- For every \$1 you raise, you get \$4 in public funds. And there is a raising -- you can have an ability to raise some money.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: I think it would be harder to communicate. I think it would be harder to educate. I think Louis spoke to the fact that you need to keep it simple. And to simplify the process -- because of the amount of educating that you have to do.

SENATOR SCHLUTER: That's a good point.

Mr. DeLuca talked about a candidate, who is also an officeholder, has expenses. There used to be, in my day, when the amount of funds you raised was a lot less-- Walter Foran, Senator Foran, had an expression for it. He called it *walking-around money*. And this would be the money that you'd get in interim. And you'd use it to buy tickets to this particular function, or you'd pay advertising for the first aid squad. Do you think some sort of way to keep that--

Before, you said you'd have to see what it would be. Don't you think that that would be necessary to maintain your position as an Assembly--

ASSEMBLYMAN GREENWALD: I don't know that it's necessary to maintain your position in the Assembly. But I do think-- I've been so jaded by how this has all been reported. I think, in all honesty, a lot of us who are good and honest at this use that money in many respects -- to go to the Business and Industry dinner, or the Chamber trip. Where, if you go to those events and work hard-- I come back from those events, literally -- without exaggeration -- every year with 30 business cards of

special interest groups, of people that need help, and are worried about a piece of legislation. And if you're asking elected officials on a \$35,000 salary -- or what is, now, \$49,000 salary -- to pay for that, you're going to dilute access to people.

SENATOR SCHLUTER: So you do agree that there should be something allowing for that kind of cost, and expenditure, and so on.

ASSEMBLYMAN GREENWALD: Well, you know, for instance, that train trip is a great example. That is-- They pay the cost for the legislators. But people like myself -- we paid that ourselves. We reimbursed that out of our PAC. We won't accept that, because that has the appearance that you're taking something in exchange. So you're going to end up in a situation where you're going to be comped to the NJEA dinner, as opposed to paying the \$30 for the dinner. You're going to be comped for all those legislative question and answer centers.

And I come back to, you're damned if you do, damned if you don't.

SENATOR SCHLUTER: Well, I know that I got in trouble once when I was reported in the papers that-- I said, on that congressional trip to Washington, "I do more business on that trip than I do -- in two days, than I can do in three weeks." And they said, "What do you mean you're doing business on the train?" It was as if I was making deals.

ASSEMBLYMAN GREENWALD: That's right. You should challenge them to keep up with you. I mean, they would never be able to keep up with what we do down there.

SENATOR SCHLUTER: Now, you talked about enforcement, and you talked about a commission or an independent agency being able to

enforce a lot of this. Don't you think ELEC is the proper enforcement agency for most of this?

ASSEMBLYMAN GREENWALD: I do. I think they are. I think they're wonderful. I think that they-- And I say that because I don't ever want them to investigate me. (laughter) But I think-- In all honesty, I think, unless you're going to give them additional people or specifically say that you're going to let Mr. Herrmann -- either himself-- You want someone who is experienced to be able to separate himself out. And his responsibility is going to be the four Clean Election districts, or, in this case, the one Clean Election district. You need someone who is going to watch this every day.

We've talked to Mr. Herrmann. He has said, "There is nothing in the legislation that allocates for this. So you go into the pipeline like everybody else."

SENATOR SCHLUTER: Moving right along, we've heard a lot of comment about occupation data on the forms. Do you believe that occupation data is necessary?

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: No.

ASSEMBLYMAN GREENWALD: No.

SENATOR SCHLUTER: Put that down as a thing for us to consider.

ASSEMBLYMAN GREENWALD: Would you like a humorous example?

SENATOR SCHLUTER: Yes.

ASSEMBLYMAN GREENWALD: We had a guy, who contributed to us, who owned a business called Goose Chasers. He was the

sole proprietor. He had the best business I've ever seen. He goes to golf courses and chases geese off the golf course. (laughter)

SENATOR SCHLUTER: With dogs?

ASSEMBLYMAN GREENWALD: Yes, uses dogs.

MR. DeLUCA: He was at the League, right?

ASSEMBLYMAN GREENWALD: These geese-- Where do they go? They go to another golf course. Who do they call? Goose Chasers. (laughter) They all want him, and they all use him.

Now, he's the sole proprietor, single ownership. It's him and dogs. That's it. He put down, as his occupation, *goose chaser*.

SENATOR SCHLUTER: They kicked it back.

ASSEMBLYMAN GREENWALD: Fred kicked it out on me. (laughter) We had to get it fixed.

So there are some-- Some of the occupations that people -- if people put owner/operator, some of them got kicked out. That wasn't a job description. So they had to come up with a title that they didn't-- You were asking people to, basically, make things up. Key management-- That was on them.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: You see, you talk about corruption, and then you're talking about, "Tell me where you work." People don't trust you, and then you're asking them. "Why do I need to tell you where I work." So the process--

SENATOR SCHLUTER: If Campbell's Soup -- you got a thousand contributions from Campbell's Soup for \$5, so what?

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Exactly.

SENATOR SCHLUTER: It's not that big an amount of money that's going to buy you, certainly.

ASSEMBLYMAN GREENWALD: Senator, the only point on that comes back to, ask them to sign the voucher. Because what you don't want is a major company to walk around and give their employees \$5.

SENATOR SCHLUTER: Oh, absolutely.

ASSEMBLYMAN GREENWALD: So you've got to have the protection in place.

SENATOR SCHLUTER: And you could have a voucher which has a little disclaimer at the bottom saying, "This is not given in collusion with some other people as part of a joint whatever."

ASSEMBLYMAN GREENWALD: Correct.

SENATOR SCHLUTER: With respect to the cost of holding coffee klatches, or barbeques, and things like that -- and organizations working for you -- maybe that Citizen Action, or it might be the League of Women Voters in a district for both parties. There was a feeling that if these people spent a lot of their own money, in going out and soliciting contributions, they would be in-kind contributions. Do you think there should be something in the -- when we rewrite the legislation -- to take in-kind contributions out of the-- Let people--

ASSEMBLYMAN GREENWALD: No, I don't think you ought to take in-kind contributions out.

SENATOR SCHLUTER: Well, I don't mean in-kind -- I mean, in-kind for a coffee.

ASSEMBLYMAN GREENWALD: I think there has to be some language in place that allows for some level -- I don't want to call it

*entertainment expense*, but something that allows for a coffee like that, with a dollar amount. And I will tell you, for ours, there were baked goods, there were hamburgers and hotdogs at the barbeques. You weren't ever talking about something that was exceeding \$20 or \$30, in any respect. Coffee -- it was a coffee klatch. That was it.

SENATOR SCHLUTER: The Federal law for people running for Congress -- and I think it's still there -- has a certain allowance for the cost of a party which does not go against the donor's own contribution limit. And it might be \$500 or something like that. And it seems to me that that would be reasonable.

ASSEMBLYMAN GREENWALD: I mean, these weren't prime rib dinners, Senator, as you know.

SENATOR SCHLUTER: No, no.

ASSEMBLYMAN GREENWALD: So we don't want to give that impression.

And at the same time, there were in-kind contributions that came in to this campaign that concerned us -- to the other side -- that should not happen. It just should not happen.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: They should be spelled out. There should be more clarity.

SENATOR SCHLUTER: Okay.

Assemblywoman Greenstein asked if there is enough seed money to get out some circulars, or some direct mail, notifying people of this. And I would think that that's a good thing that we might examine.

ASSEMBLYWOMAN GREENSTEIN: I think so.

SENATOR SCHLUTER: Because \$3,000 is -- from the two of you -- is not going to do much. And you're not going to be bought.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: First, you have to raise it.

SENATOR SCHLUTER: Yes, a \$200 contribution. You're not going to be bought for that.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Right.

SENATOR SCHLUTER: So if that were raised--

ASSEMBLYMAN GREENWALD: I think it would be a good idea.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: But there needs to be a little bit of clarity as to where the seed money can come from. I think that there was different interpretation about whether or not the seed money had to come from in-state, in-district, out-of-state. So I think that some further explanation--

ASSEMBLYMAN GREENWALD: We would argue that seed money should have to come from in-state. Seed money doesn't necessarily have to come from in-district, like the rest of the contributions did.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Right, but definitely in-state.

ASSEMBLYMAN GREENWALD: But it should definitely come from in-state.

SENATOR SCHLUTER: Understand.

How are you on this matter of it having to be in the district?

ASSEMBLYMAN GREENWALD: I think that--

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Seed money in the district?

ASSEMBLYMAN GREENWALD: Seed money or overall money?

SENATOR SCHLUTER: Both.

ASSEMBLYMAN GREENWALD: I think seed money can-- My personal opinion is that seed money should be able to come from the state, because you're trying to seed the experiment. So these special interest groups that have gotten behind a grassroots would be able to help and contribute. But I think the Clean Elections fund dollars should have to come from in the district.

Because, again, Senator, you're only talking-- Under our formula -- what we would say is, you're only talking about a thousand benchmark, up to 3,000 total. And I would argue that three of the four groups got to at least a thousand.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: I agree.

SENATOR SCHLUTER: All right.

There are so many more questions. And we might even ask -- we might even have more -- a questionnaire that would go out to others that have been through this, with some of the initiatives that this Commission might be considering.

In the Monmouth district, concern was made about, "Well, if people don't qualify, and it gets down near the end of the time, what does a Clean candidate, who has qualified as a Clean candidate, have to protect them against a late infusion of big bucks that comes into a non-Clean

candidate's district," wheeled in from other districts, and so on, and so forth.

And do you think-- And this might even have to be a general reform of the overall statute. Do you think that maybe there should be a cutoff at an earlier date for qualifying contributions of non-Clean candidates?

ASSEMBLYMAN GREENWALD: You know, Senator, unfortunately you can't have it both ways -- where people need more time to get the qualifying contributions, but--

SENATOR SCHLUTER: No, this is for non-qualified candidates. In other words, if you and Ms. Lampitt are operating as Clean candidates, and then all of a sudden -- and you're in a competitive district -- the other side, two days before the election, gets \$150,000 dumped in to pay for -- not two days, but a week or so before -- and comes up with this network television. How do you--

ASSEMBLYMAN GREENWALD: Well, I think-- I don't know if it's just us, but we're pretty sophisticated at this now. And the protection that is in place is-- Under the law, as is currently written, we make it, we get 130. If the other side doesn't, they don't qualify, we get their 130. So we have 260. We would, and we did-- We will check, constantly, the buys. And you know what that is. You check to see if someone is buying network TV or cable TV. If you see a big buy, then you would have spent that money. You also would have had the availability, if you saw a big buy, to possibly opt out of the program, to come to the Commission and ask them -- come to ELEC and ask to opt out.

Now, what I think is important is what we said earlier. Under our program that we have outlined, if you get to that benchmark, and say you get to 75 percent of the contributions -- as our opponents did -- if they accept one penny of that Clean Elections dollars, they are in. And they can't accept that windfall of money a week out. And that's why-- What is missing right now, that we would -- and I think would insist upon, going forward, is a watchdog, to watch daily, and to watch the ELEC reports. And if a violation is committed, I think fines should be leveled personally against the candidates. And whatever that value of that violation is -- if it was a \$25,000 mailer, they should have to forfeit that from the Clean Elections moneys that they've received.

SENATOR SCHLUTER: There are probably a lot more questions.

And we welcome Curtis Tao.

MR. TAO: Thank you, Chairman.

SENATOR SCHLUTER: Which gives us a quorum.

Curtis, we're-- They have testified. This is Ms. Lampitt, who won the Assembly contest in the 6th District along with Assemblyman Greenwald. And they have given their testimony. We're asking them questions.

And before I turn it over to you as the last person to ask questions--

I want to commend you in engaging in retail politics, which you did. And that is so good, and it's a such a breath of fresh air. And Assemblyman Roberts, when he was here before, mentioned about the benefit of this program.

Yes, you're in this every day, Assemblyman. I know you work very hard. But this was an extra effort, which I think brings you closer to the people. That is good.

Thank you.

MR. TAO: Thank you for coming to testify.

One possibility, which I think that I'm considering -- and other, perhaps, Commissioners may consider -- would be to have a structured release of the public funds. For instance, if we had a threshold of a thousand contributions -- you hit a third, 333, you get a third of the public funds -- some type of structure, more or less formulated in that fashion. How would you feel about that, since you are the only candidates who did fully qualify?

ASSEMBLYMAN GREENWALD: Curtis, you weren't here earlier. Hopefully you'll get the testimony and get a chance to read it. That would fit with our analysis of what we have put forward, except we would put the benchmark higher. We would put-- Combined, we needed 3,000 contributions. We would put the benchmark at a thousand contributions combined, so each candidate getting 500. And there should be an equal percentage between the 5s and 30s, if you go that way. Once you get to that percentage, you could qualify. In our feeling, you've reached the benchmark. And then you would qualify for whatever percentage you received, up to the 3,000. If you clear 3,000, you get all of the money. I wouldn't have a problem with those funds going out in a time fashion, as people hit certain benchmarks. And, in fact, I think it would maybe be a protective mechanism that, if someone did violate the standard -- the Clean

Election standard -- you would have the money to hold back -- in giving them their next allotment.

MR. TAO: Okay. That's good to know.

And I do apologize, in case you did cover this.

ASSEMBLYMAN GREENWALD: It's okay.

MR. TAO: You're the only candidates who qualified. Clearly, that took a great deal of work and effort. But was there anything more to it than that? You obviously both have a good deal of contacts and relationships with people. But is it only retail politics, where you go door-to-door and you solicit? I mean, what really-- What made you guys rise above the rest?

ASSEMBLYMAN GREENWALD: I think we had a better plan, we had a better strategy. And as we stated earlier, we think this Commission and the State has been denied an opportunity to really evaluate the experiment in that the filings were not mandated. We believe that the filings that were outlined in the bill, that were permissive, should have been made mandatory, because you really don't know if people got to certain stages and just gave up, and said, "We're never going to make it." So we think that would be something that would be a true test.

We would also say to you that you can see, by what we did-- And we are willing to share with you our model. A lot of people think it was part of this Democratic organization. That is unfair to the people that contributed. Over half--

We received 4,100 contributions, Curtis. Over half of our 4,100 contributions came from senior citizens and retired New Jerseyans. They have no government job, they are not part of a county party structure.

They gave because they believed in the program. So we did not-- When you say, how did we get there? We didn't get there knocking on doors. We evaluated, after a week, that wasn't going to work. We changed to coffees, barbeques. We changed our campaign strategy. We always knock on doors. We always have coffee klatches. We just reversed them. And you'll see in the testimony that we talked at length about that.

MR. TAO: Again, this may be another question which has been iterated already. The survey, which the Eagleton Institute and Fairleigh Dickinson worked so hard on, indicates that not many people knew about this program. Suggestions for this Commission--

ASSEMBLYMAN GREENWALD: Yes.

MR. TAO: --and for the government, at large, to do a better job?

ASSEMBLYMAN GREENWALD: We have suggested to this committee that there has to be a lot of-- There has to be greater emphasis put on the educational component. We think that it doesn't necessarily have to begin, right now, with State-funded dollars. We think special interest groups could start to target districts that would be selected. And that those dollars, as well as ultimately State-funded dollars, should be focused, Curtis, in potential districts. I don't know that there should be a statewide campaign to educate the public to this, because it will only be in four districts next time. If you want to get the greatest bang for your buck and not dilute that money, we have suggested that that educational component should exist in the arena of those potential districts. Maybe it's eight districts, from which the four would be selected. That educational

component should be highly intensified in those eight of the 40 districts so that you don't waste your dollars.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Coupled with the actual-- Coming from a municipal level, being a councilwoman, here, in Cherry Hill-- There's so much that can be done from a municipal level, because they do communicate to their constituents. So just adding on to what they're already doing, in terms of those types of monthly or quarterly communications, would probably be a benefit.

SENATOR SCHLUTER: Do you have anything more?  
(negative response)

Ingrid Reed is--

MR. DeLUCA: Mr. Chair, could I ask--

SENATOR SCHLUTER: I'm sorry, go ahead. By all means.

MR. DeLUCA: Just two more questions.

Did you find a theme, at all, of people saying to you, "I already pay too much in taxes, and I don't want to give any public money to a politician."

ASSEMBLYMAN GREENWALD: No.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: No.

ASSEMBLYMAN GREENWALD: Not at all.

MR. DeLUCA: Did you spend all your money -- the Clean Election money?

ASSEMBLYMAN GREENWALD: No.

MR. DeLUCA: Okay. What do you think should happen at the end? Should that money go back?

ASSEMBLYMAN GREENWALD: We're giving it back to the State.

MR. DeLUCA: There's no requirement in the law that it goes back, though.

ASSEMBLYMAN GREENWALD: No.

MR. DeLUCA: Is there a requirement? I have one person saying yes, and--

UNIDENTIFIED SPEAKER FROM AUDIENCE:  
(indiscernible)

So there is a--

ASSEMBLYMAN GREENWALD: I'm glad we didn't spend it.  
(laughter)

MR. DeLUCA: And on the watchdog group-- I'm wondering about the idea of setting up a master, where you would designate a master for each of these districts. Because a group -- you have a process. I mean, I'm not a lawyer, but masters work in some settings where they are the-- They can move swiftly, as you're talking about, and maybe make some judgments. Would that sort of concept work?

ASSEMBLYMAN GREENWALD: Victor, I think it would work. I don't know if-- I don't know enough about whether or not a member of ELEC, like Mr. Herrmann, could act as that master. But I do think you need someone from ELEC. Every time you add a step-- If you have to go to the master, but the master is not ELEC, so then you have to go-- The master has to send a report to ELEC for them to review. You're losing valuable days. And as you can imagine, the pieces that are in

violation go out in the last two weeks of the campaign. So there has to be immediate reaction.

MR. DeLUCA: Thank you.

Thank you, Mr. Chairman.

SENATOR SCHLUTER: Ingrid Reed, do you want to--

Ingrid Reed, of course, is the person who is coordinating the Eagleton academic task force.

Do you want to come up here and ask questions of the two Assembly people?

MS. REED: Yes, if you don't mind. It's a fascinating subject. It's just amazing.

MS. WINTERS: Ingrid, you have to be in front of the microphone if you're going to speak. Otherwise, you can't be recorded.

MS. REED: That's off the record. (laughter)

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: You can say that on the record. We won't mind.

MS. REED: I'd like to get a little bit more perspective on the education materials. Did you design your own brochure, or did you use the Clean Elections brochure that's on the Web site -- I mean, the Citizen Action brochure on the Web site? How did you characterize what you were asking of the people? I'm interested in what language you used.

ASSEMBLYMAN GREENWALD: We didn't have the money to draft a brochure. It was grassroots politics. We used our voices, our feet, our hands -- for myself -- and we used-- We did a letter from Pam and myself, that we wrote, that outlined how the contributions could be made, who the check had to be made out to, how the check had to be made out.

As Pam said, you couldn't write one check for \$60. We did that, and we attached a form, and we sent that to 4,000 likely voters.

MS. REED: Well, that is a brochure, and that's probably very effective to just speak very simply.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: It was very simplified.

ASSEMBLYMAN GREENWALD: But you know, Ingrid, as you can imagine, that was wordy. And people had to read it. And in today's world-- I don't know how many of you-- I get junk mail that I don't even open anymore.

MS. REED: Right.

ASSEMBLYMAN GREENWALD: It was one way to do it. But I think of those 4,000 likely voters, if there was another way to get to them, we would have probably gotten a higher return. As do I think the Republicans would have for 4,000 likely Republican voters, in a better educational fashion.

MS. REED: I think the communication challenge is probably more complicated than we can imagine here. And the Commission might even want to ask some people who are knowledgeable about communication to do some brainstorming, volunteer some ideas. I know that even in Eagleton's effort to communicate, we wanted to give the names of the people who were -- the Clean -- who wanted to be Clean Election candidates.

And I think I'm characterizing this right, Fred, that we weren't allowed to say that, because that would have been electioneering.

And yet, what I'm hearing you say is that it was really -- the ability for people to see a candidate, to hear a candidate, to see that it's a flesh and blood person, as opposed to a concept-- So I think that, probably, one of the real challenges is, how do you do the connection to the candidate, which is what will motivate people? Should people be permitted to give to the candidates, rather than to the Clean Election fund, which I think is the case in the other states?

And that it's really important to think about the effort to build trust in government as being associated to people, knowing who the people are.

Yesterday when we had our press conference, I was able to cite our work in monitoring newspaper coverage of Assembly races. And we've been clipping and coding for several election cycles now. And we find that any article about an Assembly candidate is on the inside of the paper.

ASSEMBLYMAN GREENWALD: Not all of them. Let me tell you that. It depends on what they're saying.

MS. REED: Well, I think this was an-- This was different this year, with the Clean Election. That was one of the things we saw. The *Courier-Post* ran your photos in color on the front page of the paper.

ASSEMBLYMAN GREENWALD: Love them.

MS. REED: But just to understand the disconnect -- and only 20 percent of the articles have a photo. But only 5 percent of those photos are action photos with a caption. All the other photos are yearbook photos with a last name under it that totally, I'm sure, do not engage voters.

ASSEMBLYMAN GREENWALD: Did you get copies of all of the articles in the district? Did you see all the articles on the district in the reporting?

MS. REED: We had a subscription to the *Courier-Post*, and I think our students were pretty good at clipping them.

ASSEMBLYMAN GREENWALD: I was just-- I would be curious to see what the Commission thought of the reporting of that.

MR. TAO: Better than the 13th District, I would assert.

ASSEMBLYMAN GREENWALD: I mean, maybe we were too close to it. I did not feel that the reporting was fair.

SENATOR SCHLUTER: The staff did send out to the Commission members -- and I think also you, Ingrid -- clippings from the *Courier-Post* and from *The Inquirer*. And I guess that was all from this area.

ASSEMBLYMAN GREENWALD: That's the only papers we have?

SENATOR SCHLUTER: We didn't do anything in weeklies or anything like that.

MR. DeLUCA: We actually see those the day that they come out, the clipping comes out of the staff. So we're able to watch it over a period of time. And I think Curtis is right. The report out of this district was much better and more favorable to the program than the 13th.

ASSEMBLYWOMAN GREENSTEIN: But I definitely noticed that a lot of the press seemed negative on the program. It always showed the negative side instead of what was good and what was working.

SENATOR SCHLUTER: But don't you think that the press generally favors the program in their editorial policies?

ASSEMBLYWOMAN GREENSTEIN: In their editorial policies, yes.

MR. DeLUCA: Yes. But I think there's a disconnect between the editorial and some of the reporters.

SENATOR SCHLUTER: Yes, well, some of the reporters have to look for angles to--

ASSEMBLYWOMAN GREENSTEIN: Right.

MS. REED: You know, I--

MR. DeLUCA: Except for the *Asbury*-- I'm sorry. Except for the *Asbury Park Press*, which was the reverse. I thought the stories were--

ASSEMBLYMAN GREENWALD: More fair.

MR. DeLUCA: --okay. But the *Press* -- the editorials were horrible.

SENATOR SCHLUTER: Well, the editor of the *Asbury Park Press* comes from the *Courier-Post*. That's maybe why. (laughter)

ASSEMBLYMAN GREENWALD: It's fascinating how that works. (laughter)

SENATOR SCHLUTER: More questions?

Curtis.

MR. TAO: I would like to focus a little bit more on numbers now, if I may. Obviously, education is going to be very difficult for us to brainstorm, with efforts. And indeed, it would be probably a lot of the burden with the candidate. The better the candidates are, the more they work, the better educated the public will be. But let's now focus on, in terms of the gross amounts of public funds available. This is a hypothetical. Under a circumstance for. Let's say this was a more competitive election.

Do you think the formula that was created under the statute would have provided, with both of you, sufficient funds to operate a threshold campaign? Obviously, you can't have a ton a money, but a threshold to get a message out and to run a reasonable campaign.

ASSEMBLYMAN GREENWALD: Yes.

MR. TAO: Okay. Now, clearly, I think the formula is going to have to be adjusted for the next time around if, indeed, your district is selected, because it's 75 percent of the gross expenditures, which is going to be a much lower amount than, let's say, compared to 2003.

ASSEMBLYMAN GREENWALD: Well, explain that to me. What do you think--

MR. TAO: Well, my understanding is that the formula is 75 percent of the gross expenditures in the last General Election.

SENATOR SCHLUTER: Last two--

MR. TAO: Last two.

SENATOR SCHLUTER: --for all candidates.

MR. TAO: Here I'm assuming the number -- you're going to see a much lower number, because I think there is a big number in 2003.

SENATOR SCHLUTER: Well, excuse me. We might change that.

MR. TAO: Okay, right.

SENATOR SCHLUTER: We might adjust that because of the fact that, as Assemblyman Greenwald said up at Cook College, that his \$460,000 was counted as expenditures, where that really wasn't the actual campaign expenditure.

ASSEMBLYMAN GREENWALD: Curtis, actually if you follow the law, the district will get exactly the same amount of money next time as it got this time, because it's an average of the last two. The reason why \$65,000 per candidate was selected in this district is because that was the average of what was spent between the two sides in the last election. If we would have spent -- and what you're alluding to is what is-- And this is my frustration when I say, have you seen all the articles? And this is my fear. Every day, people -- you guys are engaged in this. Every day, people are writing these stories. My argument to you is that they are distorted. You think that we spent \$462,000 and that that is going to change it. We didn't. We spent 65, which is why that's the average. If we had spent 462, the average would have been much closer to the 462. Do you understand what I'm saying?

MR. TAO: I do. I do.

ASSEMBLYMAN GREENWALD: So I did what everyone had done. I raised money and helped build my party. I used that to build my party. I didn't need it to compete for myself.

MR. TAO: Understood.

ASSEMBLYMAN GREENWALD: Okay.

MR. TAO: And the direction of my questions, more, is in terms of how do we hit the right number to make sure that we have a competitive -- or we have candidates who can fund a reasonable campaign? And what you're saying is, the formula works, in your opinion.

ASSEMBLYMAN GREENWALD: I think if you focus on competitive districts, you have a better likelihood of doing that. The irony would be some of the most competitive districts would be like the 12th

right now, where Jennifer Beck and Michael Panter won. It was a split district. It's a split district now. But they spent millions of dollars. So now, ironically, that would be the best test case, but it's going to cost lots and lots of money.

MR. TAO: And how do you think the Commission should deal with the situation where you may have certain districts where you may have fairly large gaps in the type of number that is arrived at, based on the formula. A district which arguably, hypothetically, could be competitive, but just based on the expenditure and the fundraising levels of the past few years, the number is going to be lower than, let's say, what it was here in this district. Is there a way that we should consider trying to have an equal basis for a district?

ASSEMBLYMAN GREENWALD: I would say to say to you, if the districts were competitive, large sums of money were spent. The 1st District was competitive, money was spent. The 2nd District was clearly competitive, money was spent. The 3rd wasn't. The 4th wasn't. The 5th wasn't. Sixth, Clean Election. The 7th wasn't, not as much money was spent in those districts. The 8th wasn't, not as much money spent -- 9th, 10th. Now, the 11th was. The incumbents held on. Lots of money was spent.

MR. TAO: Okay.

ASSEMBLYMAN GREENWALD: So I mean, if you go through the districts-- I think if you don't want to run a Clean Election, in my opinion, at this point in the 5th, where Majority Leader Roberts is -- that's a waste of your money. Now, the irony is, what we've talked about is, the real Clean Elections in some of these districts would probably be in a

primary. And that is a different story, in how you start to phase those in, in both Republican and Democratic districts -- is a question that the Commission needs to spend some time analyzing.

MR. TAO: Okay.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: But Curtis, even though you're going to be taking an average, or looking at taking an average, it's still public financing. It's still public funds. And there should still be, by the Commission's standard, a threshold set by the Commission.

MR. TAO: Understood.

Should the Commission take into account, in making its recommendations to the Legislature, some type of formula of -- oh, I don't know -- generic party-building activities spent by the party organization? And I don't know if it occurred in this district. And again, this is very difficult. But to the extent that you have a strong county organization that runs and it does a lot of generic expenditures -- vote Line A all the way, or something of that sort. Is there any way that this Commission or Legislature, in the legislation, can take account of that and factor that into the expenditure levels for the candidates?

ASSEMBLYMAN GREENWALD: My understanding was that was not permitted.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: That wasn't.

DR. HERRMANN: Not permitted in the--

ASSEMBLYMAN GREENWALD: Clean Elections.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: The elections.

DR. HERRMANN: --the process. (indiscernible)

MR. TAO: Sure. Right.

ASSEMBLYMAN GREENWALD: Vote Democratic.

MR. TAO: County organization can spend, in their expenditures -- vote Line A all the way, vote Democrat.

MR. DeLUCA: We can't hear if you're going to speak from there. You have to be at one of these mikes. (referring to PA microphone)

SENATOR SCHLUTER: Up at the mike.

MR. TAO: Again, I recognize the difficulty, and the difficulty in assessing a value to that, but--

ASSEMBLYMAN GREENWALD: To be honest with you, Curtis, we didn't see any of that in this election. The irony is-- Look, it would be really hard to analyze because-- For instance, did Mr. Forrester pump a lot of money in the South Jersey TV?

MR. TAO: Sure. Vote the Forrester team or vote the Corzine team.

ASSEMBLYMAN GREENWALD: Yes. Or vote against "boss candidates," right? And then our opponents put out pieces that said they were bossed. Is there a connection there, and where do you draw the line?

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: But Curtis, 100 percent to our ability, we separated ourselves. We separated ourselves because we had a separate--

ASSEMBLYMAN GREENWALD: Headquarters.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: --campaign office. We had separate telephones. To the best of our 100 percent ability, we separated ourselves.

MR. TAO: Mr. Herrmann, you can just make your comment on this.

DR. HERRMANN: Oh, okay. Well, basically, generic ads are not campaign contributions. If the party says vote Democratic, you've got so many different Democratic candidates out there, whether we're talking about the gubernatorial candidate, the Legislative candidates, the mayoral candidates, the council of candidates. We've never required that we divide a generic ad by 321. It's just not how it's done. So that's a completely legitimate expenditure by the party, and it's something that would not accrue to a Clean Election candidate, in any way creating an obligation for them to report it.

ASSEMBLYMAN GREENWALD: Or to balance off of.

DR. HERRMANN: Or balance off of, yes.

MS. REED: In regard to the generic contributions--

SENATOR SCHLUTER: Okay, go ahead.

MS. REED: Were you asking, Curtis, about past campaigns in trying to calculate the resources that it took to mount a campaign, as opposed to the Clean Elections campaign where those kinds of funds are not permitted?

MR. TAO: I think, with respect to both questions, it's very difficult in -- though I can see, at least in a metaphysical fashion, it does present a factor to be considered. I don't know how to calculate that as a factor. So I would probably tend to agree with our speakers and other members of this Commission that it's a very fuzzy matter to try to quantify. And I think that it would be very difficult to quantify.

MR. DeLUCA: Mr. Chairman, I'm not sure that this Commission is suitable to deal with the metaphysical. (laughter)

ASSEMBLYMAN GREENSTEIN: But we'll try.

MR. DeLUCA: We'll give it our best shot. (laughter)

SENATOR SCHLUTER: Any more questions of these two?

MS. REED: Could I just pursue the watchdog idea? And maybe -- I'm unable to attend your hearing next Tuesday. But I think it's an interesting extra protection, but also that watchdog committee might be able to address a couple of the problems that we talked about before. And that is, the candidate brochure and mounting the elections. I could imagine a kind of hybrid of a master and a person from each of the parties being a committee of three -- somebody appointed by the outside and then one from each party. And I think, as you alluded to, it's important to know the district. Because if somebody from the outside, ELEC, that doesn't know what's going on in the district, might not pick up on issues as quickly as people from the district.

ASSEMBLYMAN GREENWALD: Ingrid, let me just say that this is what we're referencing in particular. I don't think you have to have a historical understanding of the district. The law is pretty clear: You can't accept in-kind contributions.

MS. REED: Right.

ASSEMBLYMAN GREENWALD: You can't accept campaign contributions from third parties. We all signed a letter of intent that said we would freeze our previous accounts. We signed a letter of intent on July-- We all signed letters of intent in July. On July 13, our opponent signed a declaration of intent to participate in the Clean Elections. The

form said all old accounts would be frozen. That was July 13. Their old accounts would be frozen. On July 14, they wrote a check for \$4,500 from that account, that was supposed to be frozen, to their campaign manager. So now if they qualify for Clean Elections funds, which we gave them, they now had those funds plus \$4,500. There was no one overseeing this to say, "That's a violation. We're now going to seize \$4,500 from you. Plus, in order to have some kind of repercussion so that you know your actions have consequences, you're now being fined." There was none of that. There was nowhere to go.

Then, they took an in-kind contribution from the Forrester campaign to do an absentee mailing. Well, it was only \$500, but you're not supposed to take it. Then, literally, they accepted a check from us for Clean Elections on October 14. On October 15, they handed out a glossy mailer with postage prepaid, that they didn't mail. They had run off so many, they were handing them out, paid for by the Camden County GOP. Now that piece had to be, if you run these pieces and you're involved in these campaigns, minimum \$15,000, \$20,000. Again, there was no oversight, there was no watchdog.

And we, quite frankly, never brought it up. We didn't do anything with it, because we would have been beat up in the press with it. So the reality is that there has to be an independent watchdog. And I think, in all honesty, it shouldn't be a partisan one and one. It should be ELEC. ELEC -- they don't need to know, "The district is this," and "Historically in this community and that community--" The law says you can't accept an in-kind contribution. The law says your accounts were

frozen. It's a violation. Someone has to oversee that and say, "Here's the penalty and here's the structure for it."

MS. REED: Well, it was up to you, though, to take it to ELEC, wasn't it? And you decided you wouldn't.

ASSEMBLYMAN GREENWALD: But other groups did. Not us, but other groups did. And the response was, "You're in the pipeline." Now there is a case in the pipeline. Not from us, but from people that participated in the Clean Elections Program who were offended, and were walking around the same town that we were and got the piece. They were participants in the Clean Elections Program. They wrote checks and they helped collect checks. That case hasn't been heard, and we don't know when it will be heard.

MS. REED: Well, I think it would be helpful if you could be specific about what you thought the watchdog group would do.

ASSEMBLYMAN GREENWALD: I think that watchdog group would immediately say that-- I think, first of all, the pieces should be handed-- We do draft pieces, and we look at them. That watchdog should-- You're only talking about one district or four districts right now. That person should look at that piece just as we are forced to, and we made sure that everyone of our pieces had attribution to them. We didn't mention our opponents in any of the pieces. We verified all of our facts. That watchdog has to look at that and say, "This piece does not pass the smell test. If this goes out, it's a violation." If a piece goes out that they don't turn in to the watchdog for fact-finding beforehand, they are found in violation and a penalty is imposed immediately, and some of their public funds that they have received are taken back from them because they have

violated the Clean Elections Program. Now, that's what we would suggest, but there has to be some penalty mechanism in place. Because right now, you receive the money, you violated -- what's the penalty?

SENATOR SCHLUTER: I think -- I think we have--

MS. REED: Well, I didn't want to go into a long--

ASSEMBLYMAN GREENWALD: Well, you asked what we would specifically say.

MS. REED: No, no, no. Yes. But it's now on the record. The other part of this is that there needs to be a mechanism, for beyond the candidates, to mount the debates and make that work. And it seems to me there also should be some kind of independent review of the candidate brochure, which I hope would be mailed in subsequent elections.

And I just was sort of thinking out loud that if you did have a watchdog organization that was closer to the ground, that could take on a variety of responsibilities, it would create a sense of trust that some candidates might have about whether they should participate in the Clean Elections or not. So I just bring that up.

ASSEMBLYMAN GREENWALD: Well, Ingrid, I will tell you that I think if there's not a watchdog in place, candidates that don't have the track record that we have will be fearful to get into this process, because they don't believe that there's going to be any oversight if a violation takes place. And I think the best person, the best group of people, the best trained for that, to understand what the violations are, is ELEC. Just as in this case -- that Curtis asked a very reasonable question -- ELEC knows the historic perspective of what it is. And I think they're best skilled.

MS. REED: Well, it just didn't work in your case. So we have to look--

ASSEMBLYMAN GREENWALD: It didn't work because the structure and the legislation did not address it. That is a failing in this that has to be corrected. There was nothing in this legislation to have a protective mechanism. Because, in all honesty, as we said at the last hearing, we believed -- someone gave their word they wouldn't violate.

SENATOR SCHLUTER: I think, if I may, Mrs. Reed--

MS. REED: Yep, fine. I didn't mean to have it last long.

SENATOR SCHLUTER: --we've got the testimony, and we can proceed with it.

And, yes, Ms. Lampitt.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Just one more thing to add. Clean Elections was started so that possibly the negative campaigning was removed from this. We as Clean Elect candidates, once we qualified, we had to abide by these Clean Elect rules, in which case no negative campaigning. One of the things that possibly could change is that -- and you alluded to this, Senator -- which was if the other candidates don't qualify, then they could have an infusion of money. But to actually participate in the program, even if they do not qualify, maybe they should be writing some sort of declaration whereby they will continue through the whole campaign process without any negative campaigning. Negative campaigning is ill will. And what happens is, is that this infusion of money then stirs all this up. And then what happens if you have to combat it? You don't have the funds now -- because we're Clean Elect candidates. We

don't have the extra funds to be able to combat that, and this is where you were alluding to.

SENATOR SCHLUTER: If I may, I don't think the statute defines negative campaigning, which is a subjective kind of analysis. I think the law says that you can't do certain things if you are a Clean candidate, such as use other money in-kind and all that.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Right.

SENATOR SCHLUTER: So I really think that we're talking about apples and oranges when you start talking about a--

ASSEMBLYMAN GREENWALD: Well, you're right, Senator. But what it does say, I believe, is that you have to attribute your facts to some source. And if you make a statement that is not attributable and is distorted, which is what had happened in this campaign, that-- We're using the word *negative campaigning*, but really what it is, is a fact that is not attributed to anything, that creates a perception that the average citizen reads and assumes it to be true because someone said it.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: But once they don't qualify, they can do anything they want.

ASSEMBLYMAN GREENWALD: That's the problem.

SENATOR SCHLUTER: I'll check out-- My recollection is that there was no standards in the statute with respect to attribution, or what is negative campaigning, and what is not campaigning, and we can check that out. I mean, as you probably know, I've worked with people on your side to try and get this thing to go with a Fair Campaign Practice Pledge on all this -- which is sort of outside of the realm -- but in order to make it go.

And anyway, more questions? (no response)

Hearing none, thank you very much.

ASSEMBLYMAN GREENWALD: Thank you. Thanks for having us.

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: Thank you.

SENATOR SCHLUTER: And, Ms. Lampitt, if I may add a gratuitous remark, I understand you're going to resign from your position on Cherry Hill Council when you--

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: I am.

SENATOR SCHLUTER: Are you going to serve out your term on the Council, or are you just going to resign when you become Assemblywoman?

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: I'm going to resign, probably, prior to January 10, sir.

SENATOR SCHLUTER: Well, you're against dual office holding, and you're to be commended. That's another subject. (laughter)

ASSEMBLYWOMAN-ELECT ROSEN LAMPITT: That's another subject.

ASSEMBLYMAN GREENWALD: Another commission.

SENATOR SCHLUTER: Now, for people here, we have a couple of others who want to testify, and we'll have them testify. For those who have arrived late, unfortunately the two Republican candidates apparently did not get properly notified of this event, and they were upset and they called. And they didn't get notified either. They believe they weren't sent the material, but our staff says that they were sent the material. They didn't open their e-mails. Be that as it may, I told them

that if they come at 7:00, we'll still be going on. We'll at least give them the opportunity, at 7:00, if they come to testify.

I would like to -- we have some business to talk to as a Commission, our minutes to approve. But I think we've got some people who have been waiting very, very patiently, and we should hear from them. And then we can maybe talk among ourselves about how we're proceeding, and our minutes and business session.

So, Ms. Winters, do you have another--

MR. DeLUCA: Is Mr. Herrmann going to leave?

DR. HERRMANN: What?

MR. DeLUCA: Are you leaving?

DR. HERRMANN: We were thinking about it. (laughter)

SENATOR SCHLUTER: By all means.

MR. DeLUCA: Mr. Chairman, can I ask a question, related?

SENATOR SCHLUTER: Yes.

MR. DeLUCA: Thank you, Mr. Chairman.

We received a packet of information about an ELEC request for an investigation by Salvatore Siciliano.

DR. HERRMANN: Yes.

MR. DeLUCA: And this looks like it was dated October 27, I believe, which is prior to the election. The accusations made here clearly fall within the rules of the Clean Election system.

DR. HERRMANN: Commissioner, I can't comment on an investigative matter.

MR. DeLUCA: Well, I guess -- I don't want you to report on this. I wanted to ask you on the process.

DR. HERRMANN: Okay. Yes.

MR. DeLUCA: If we are to be quick and nimble and be able to provide candidates, before election day--

DR. HERRMANN: Right.

MR. DeLUCA: --with the dollars they may be entitled to because there's a third party spending money -- and we don't know if this is the fact or not here -- how do we ensure that a system is in place so that if a week before, or 10 days before an election, you're informed of this? How do we make sure that the process works so that we can do what has to get done?

DR. HERRMANN: Well, there are a couple of issues. One, in the statute itself, it talks about other ways of getting money, one of which is independent expenditures. Another is that your opponent raises more money than the initial grant. But it doesn't talk about this kind of a possible violation. There is nothing in the Act that deals with a candidate getting more money because the opponent violated the law. So that would be one point.

Another point is, you asked about process, and I think that's an outstanding question, in terms of how quickly the Commission can react to violations of the law. We have to deal with the Administrative Procedure Act. We have to deal with procedural due process. So to be able to issue fines in an immediate manner is something that would be extremely difficult. As a matter of fact, the only way that we act that way now is in the context of a gubernatorally, publicly-financed election, where we have an expenditure limit violation, which is extremely serious in a gubernatorial election. But we have special rules. We do this with the Office of

Administrative Law. We set up procedures prior to the gubernatorial election to make sure an administrative law judge is available to hear something on an emergent basis. And that is the only time in the history of the Commission that we've ever been able to turn something around immediately like that. So there are some procedural questions.

On the other hand, we did hear some testimony, and I think there is great concern. I think it is a problem that, if you're in a Clean Elections context and somebody is potentially violating the law, that perhaps there's something that has to be done in the pre-election setting, not a post-election setting -- so something that your Commission could explore. And we'd be happy to work with you on this. I think it's something that really has to seriously be looked at.

You've mentioned, I believe, the idea of a master. Professor Reed talked about the possibility of watchdog committees at a local level, perhaps combining the master idea with citizens from both sides. And that might be something that you could explore. Perhaps much like the newspapers do when they review ads instantly and then comment on it. Perhaps citizen committees could be set up with a master concept or something like that, in each district, that can immediately review the complaints. You can keep the ELEC process in place. The people can do the request for investigations. The Commission would do whatever it has to do in a proper time frame allowing for due process, following the Administrative Procedure Act. But a citizens' committee might be able to rule within a day or so, hear from both sides; and not be able to fine people -- because again, you have to give due process to people -- but could, perhaps, censure people. And that -- they could say to somebody, "If you

continue that, we will formally censure you,” which would be a pretty powerful tool in a pre-election setting.

So there may be hybrids that we can think about to deal with that, because I think the issue of somebody, especially in the Clean Election, potentially violating the law and nothing happening until six to nine months after the election is something that is understandably a concern.

MR. DeLUCA: Mr. Chairman, there’s something even more of a problem here, in that the law says that if there is an independent expenditure and the Clean Election candidate is allowed more dollars--

DR. HERRMANN: That is true. That is correct, if that’s the allegation.

MR. DeLUCA: If the decision is made post-election, then that doesn’t--

DR. HERRMANN: Oh, well, in that case, again, an independent expenditure is not a violation of the law. So that’s different. We wouldn’t be fining somebody for doing it. It’s completely legal to do it.

MR. DeLUCA: I understand. But who makes the determination?

DR. HERRMANN: Oh, we would. That’s built in. Yes, right. There is a procedure in the law for those two circumstances where somebody raises more money than the initial amount or there is an independent expenditure. We do have, as Ms. Massar pointed out, we do have regulations on that. And that we are equipped to be able to meet quickly -- and we have an administrative law judge component to that --

and give out the extra money. But that's different than -- we're not fining somebody. We're just giving out additional moneys.

MR. DeLUCA: But if someone brought a-- But I don't know the process. Maybe a request for investigation is the wrong avenue to bring.

DR. HERRMANN: No, that is the correct terminology.

MR. DeLUCA: If someone brings this to you--

DR. HERRMANN: Yes.

MR. DeLUCA: --and says--

DR. HERRMANN: Yes.

MR. DeLUCA: --"I have proof that there was an independent expenditure."

DR. HERRMANN: Oh, that would not be a request for an investigation.

MR. DeLUCA: That would be something different?

DR. HERRMANN: I see where the confusion is.

MR. DeLUCA: Okay.

DR. HERRMANN: No. That is covered by the law. There is a procedure in our regulations for using administrative law judges to provide additional moneys to candidates in a very short time frame. I think what was being alluded to earlier were actually alleged violations of the law where somebody didn't report properly, took excessive money -- that sort of thing. And what I'm saying is that the Commission cannot deal out instantaneous justice. I mean, it can't be done. However, having said that, perhaps the concept of your idea of the master being combined with Professor Reed's concept of maybe a representative from both parties, or some sort of citizens committee existing in each of the districts--

Remember, I think if we're going to be doing this in 2007, it's another experiment. And we probably should try and find structures that would be workable statewide. It may be conceivable that ELEC could even handle four districts. But when we get to 40 districts, we're really going to have to think of structures that are different. And the idea of having actually a citizen committee in each district, with a master concept built in, may be something you want to explore.

MR. DeLUCA: Thank you.

DR. HERRMANN: You're welcome.

MR. DeLUCA: Thank you, Mr. Chairman.

SENATOR SCHLUTER: Yes.

Thank you, Mr. Herrmann. We have the unsuccessful Republican candidate here, who will be testifying.

DR. HERRMANN: Okay. We will wait -- sure.

SENATOR SCHLUTER: If you can--

DR. HERRMANN: We would be happy to.

SENATOR SCHLUTER: Happy?

DR. HERRMANN: Yes, absolutely.

SENATOR SCHLUTER: But before that, we're going to break. We're going to have two people who have been very patient, and we would like to hear from them. They've been following this, and I think--

Polly Yarnall, if you would come up.

And then, Mr. Naum, we would have you after.

But we appreciate your interest and your being able to come out and give your views. Could you identify yourself and--

P O L L Y Y A R N A L L: Okay. My name is Polly Yarnall. I'm a senior citizen, and I just have to thank you all for this opportunity. When I read about it, when I found out about Fair and Clean Elections, it was through the *Courier-Post*. So I do have to give them credit. Because there is no way that anyone would have heard about this, except the paper. Now, I do think *The Inquirer*, which I don't receive, also had some coverage. And that was -- I don't know -- several weeks after you had actually started this. So no one really knew about it. So that's when I got involved with it, and I was working with Juanita Howard here. She's with Citizen Action Committee. So I helped her, and I went around and personally handed out a lot of other information. And then I did go door-to-door and try to explain the program, and I already testified to that before, up in Rutgers.

But I just wanted to say that I hope you'll continue on with this, and I think some good suggestions have been made here. And I think it's going to take a lot of work to kind of meld them all together and come up with what will probably be another pilot program, but it will be in the improved version.

The main thing I thought-- The number one need, I think, is that the public has to be informed about the program -- so how you do that and how it's funded, and the issues you'll have to discuss. But there was no press, very little press, no public announcements, and no film or video was used to publicize this program. And I will tell you that I did see a film that was made for Maine for their program, and I'm just saying that the film itself was much more powerful than anything you could say. Just a visual program, and they used John McCain and a couple of other notable persons who explained the program. So it was kind of a nonpartisan thing where

you were trying to talk about the idea of a democracy and all that. So anyway, I thought that was -- possibly that the State, or someone, could come up with something tailored to New Jersey. Because we're not Maine. But that would be the most forceful thing you could do, just to publicize what you're trying to do, even though it's not to each district. But this would just be, in my opinion, the most effective way to get your message across.

I did hear some suggestions made here today. And I would say, probably, more lead time for candidates to collect their donations, I think that's a good idea. I think the primary should be included. I think that was a good idea. Myself, I think \$5 is really good. Most people don't feel pain of the \$5. I think it needs to be easier to collect or for people to give it, and I think you'll figure something out.

I didn't personally like the idea of one side getting all the money of the other side. So again, I think that was brought up here, and you'll probably come up with something there.

I also agree that I think that it is not necessary to have the name of the employer for somebody giving \$5 -- to have to put down all this information. And some people actually, for their own reasons and their unemployment, didn't want to do that. So that was actually maybe another reason why you wouldn't participate in this program.

And anyway, speaking myself, for the 6th District, which is a one-party district, no one knows how hard it is, really, to be the little guy on the block and try to go around and collect donations when -- I'll refer to it as a Republican Party -- but there really isn't a party. I mean, they don't have much organization or anything. Also, when you're also running

against a predominately -- the registration is overwhelmingly one way-- So I would just say what concerned me, living in Cherry Hill, is that there's no member of an opposition party or no representation of another party in my local, or my State, or the county. And I think that's very troubling to me. I just feel that human nature being what it is, you know that if you are in office year in and year out, things get a little cozy. And it's good to have some opposition in there, because they're going to catch you if you're doing something that isn't right or that is suspect; or that they're going to question you, period.

So my reason I support this program is, I think that it's good for democracy. And it's good to have more candidates and more competition and more choices. But it's a very hard thing to do. So that's all I have to say, and thanks for listening to me.

SENATOR SCHLUTER: Thank you very much.

Does anybody have any questions of Mrs. Yarnall? (no response)

I know you've been loyal, and thank you very much. We'll be seeing you again.

MR. TAO: Thank you for taking the time to testify.

MR. DeLUCA: Thank you. Thank you.

MS. YARNALL: Yes. Thank you, again.

SENATOR SCHLUTER: Mr. Naum, thank you for being so patient--

**N I C H O L A S N A U M:** Thank you.

SENATOR SCHLUTER: --and for your diligence in following this.

MR. NAUM: Again we meet. Real estate taxes will do--

My name is Nick Naum. I've lived in Cherry Hill for 50 years.

SENATOR SCHLUTER: Can you speak in the microphone so that it's recorded? (referring to PA microphone)

MR. NAUM: My name is Nick Naum. I've lived in Cherry Hill for 50 years. I'm a veteran of World War II, and I've been very much involved with what's happening. Okay? I'm from Maine. Okay? I've been involved with this with Maine and Arizona for three years. Okay?

For the last two years, at every senior group, I've been talking to about FACE, F-A-C-E, Fair and Clean Elections. They don't know what I'm talking about, but I've seen what's happened in Maine. And when I go to Maine, because it's my home -- I was born and raised there, my family is there, and I still have brothers and sisters. I go there. In fact, I just came back from my 65th high school class reunion. And when I come back, they say, "Nick, how do you live in that state? How do you live in that state?" And it tees me off, because this is a great state. Everything in this country has to come through New Jersey. Anything of any importance comes through New Jersey. On the East Coast, the Revolutionary War -- anything that's-- But people won't realize that. And now we're letting something go by, with the terrible reputation we have in this state, okay?

When I say FACE, fair elections, it's the only salvation that we really have that's going on in this country. You can tout anything you want. But if we don't straighten out what's happening with our politicians, we're going down the tubes. We are. And the only thing-- If you saw that the people who sent the money into Greenwald-- When this happened with Greenwald, it's like a strike of lightning, because I was giving up. And all

of a sudden I saw what Roberts was talking about -- a possible level-- “Hey, wait a minute. He’s talking about something.” And I’m in District 6. And then Greenwald, because -- here with Cherry Hill, and his mother was the mayor. And I said, wait a minute, it’s District 6. Louie is going to present this as a bill. I said, something is hitting you, Nick. Don’t give up. Like a strike of lightning. After all this time, finally I--

And now there hasn’t been a meeting or a debate that I’ve missed. When I was the only -- opened up in Cherry Hill when you first put this in the ground-- There is nothing I’ve missed. When I look around here, I’m sad because there aren’t enough people here. There weren’t enough people when we opened it up. We’ve got to get this out to the public. We started too late. The idea of raising \$5, that was wrong. We’ve got to get it down to a system where people understand what we’re talking about.

Fifty percent of the money that Lou Greenwald got in came from seniors. I was-- (indiscernible) a senior group that I’m not involved with -- the JCC, the maturity clubs, the retirement clubs, the Veterans. I’ve been to every one of them showing them what they’re doing. And finally I’m trying to convince them that they know something. And they said, “Well, I didn’t read the paper.” I said, “Well, read the damn paper. If you don’t know what the hell is going on, then don’t talk.” But they get mad at me, because I’m a little bit insistent about this. And I say, “Hey, this is our last chance, fellas.” I don’t care myself, because I’ve had a pretty damn good life. I’m 83 years old, and I’m still here, and I can still bitch and moan. I can still wake up. And I still have three holes-in-one in golf, so that’s pretty damn good.

So what I'm trying to say is, there's been a lot of time and effort put in on this, and the most important thing we have right now is we can't let this go. We've got to stay with it. And my point is that I thought with Jersey -- if we can get New Jersey, as powerful as we are, maybe we can win Jersey over with two or four more districts next year, get this thing rolling, then maybe states like Pennsylvania and Connecticut and New York will say, "Hey, these guys may have something" -- okay? -- or rolling on it. Because we are a pretty damn powerful state, and we're a good state, if we can just get through this damn reputation we have.

And the other thing is, with women-- I'm a feminist, okay. I'm a feminist because I saw what my mother went through. This gives women a chance to get in politics. Because they don't have the background and the know-how how to raise money, but they can go on to the constituents and talk what they're talking about. It gives women a chance to get in politics -- is where we need them. Because right now -- I don't care what it is -- I want to get women in politics because they can give us a different look and viewpoint. Except men, bottom line, earn money. Because women are more compassionate, they understand, and I want a woman--

I don't care if it's the U.N. nation. Who was the first woman from the U.N. nation that served us? Eleanor Roosevelt. Okay? We don't have many women even like her. I wish there were. But, okay, I've said enough, but you know what I feel.

MR. DeLUCA: Thank you very much.

SENATOR SCHLUTER: Thank you, Mr. Naum. We appreciate it.

Any questions of Mr. Naum?

ASSEMBLYWOMAN GREENSTEIN: No, but I like what he said. (laughter)

MR. DeLUCA: Thank you. Thank you.

SENATOR SCHLUTER: Keep up your enthusiasm.

MR. NAUM: Okay. I waited long enough. I wanted to say it to get it off my chest, okay? (laughter)

MR. DeLUCA: Thank you for waiting.

SENATOR SCHLUTER: Now, I think if the Commission members can stay for a few minutes, after we have our last testifier, and go over a few things, we would-- And we have to have a quorum to approve our minutes, and so on.

Ms. Gurenlian, if you could state your name and your candidacy, and let us hear from you.

**J o A N N R. G U R E N L I A N, Ph.D.:** Sure. I am Dr. JoAnn Gurenlian. I was a candidate for Assembly in the 6th District, as you so eloquently put it, unsuccessful. I would like to briefly outline some comments for you about my experience with Clean Elections, starting with the pros, a few cons, a few general concerns, and then some recommendations that I think may be helpful to consider. And you probably heard all of these things. I just haven't had an opportunity to be here to witness them.

SENATOR SCHLUTER: Ms. Gurenlian, do you have these in written form that you can leave with us?

DR. GURENLIAN: I'm sorry, I didn't have time to do that. But I'd be happy to prepare them, put something in writing for you later.

SENATOR SCHLUTER: We will take this down. We are transcribing your comments. So maybe we can get those in a hurry--

DR. GURENLIAN: Sure.

SENATOR SCHLUTER: --as opposed to--

DR. GURENLIAN: But I can write something for you.

SENATOR SCHLUTER: Yes.

DR. GURENLIAN: Put something formally in writing for you, if you'd like.

SENATOR SCHLUTER: If you would, in addition, that would be good.

DR. GURENLIAN: Sure.

I think, as I mentioned to you at the previous hearing, that I saw some major benefits to this program and was very supportive of it. And the two benefits that I believe are important are that this program eliminates big money and special interest from the campaign. And I think there's tremendous value in that. And it focuses the campaign on the local level and the issues, if one qualifies. And that, of course, is essential to this program and the success of it. And my running mate and I felt very strongly and believed in it, and we very much enjoyed having an opportunity to participate in the process.

We did, going through the experience, however, note that there were some downsides to this experience, and feel that that's important to take into consideration -- which relates then to my recommendations. The downsides are, the cons that we found were: This primarily turned out to be a fundraising initiative for us, which is not the primary intent of the law. If you don't qualify, that's all that you get to do -- is fund raise. And then

you go on and run a separate campaign. The two level, or two-tier contributions, tends to be problematic. For some people, they don't have the money to give you a \$30 contribution, but they want to give more than a \$5 contribution. And they think that they are doing you a favor by giving you \$20, let's say. But the \$20 doesn't count as a \$5 contribution. However, if the check is still cashed and put into the Clean Elections fund -- so the question remains then: Why doesn't it count as a contribution? If it can be cashed and put in the Clean Elections fund, why can't it count for something, for the qualifying part of the factor?

The number of contributions needed is too high. I think you probably heard that a million times. The fact that both candidates have to have the 1,500 contributions is problematic, as well. It really means you need 3,000, and that is unrealistic and unfair. The initiative was not well-publicized and largely unknown, and that's been documented. The timing was inappropriate and difficult at best, and it really should not be a Summer project. And we have recommendations for that. Many people strongly objected to providing employer information, which we've heard already this evening. And many people strongly objected to the funds being granted to the opposing candidate if one group did not qualify.

So those were elements-- And they were hindrances when you went about door-to-door explaining this program to somebody. And if they said, "Well, if you don't make it, what happens to the money?" and those kinds of things-- And for some people, that held them back; or if they didn't want their employer to know, or they were concerned that this information would be made public. They were concerned that their

employer would find out that they made a contribution. That was also a detriment to them giving you money. So those were the issues.

There were several other general concerns that I'd like to point out to you. Having hit the point where we had 75 percent of the goal reached and we submitted our contributions rather than returning them to the public, the evaluation of the contributions was -- raised some concerns. As we all know, it was well-publicized that Lou Greenwald and his wife gave us contributions to help inspire others to help us raise the money. However, his contributions and his wife's contributions did not count for our contributions. Their signatures were not recognized as valid. And the checks were cashed and contributed to the Clean Elections Fund. But because their signatures were not recognized as valid, matching their voter registration cards, they did not count. Now, this is part of the evaluation process that goes on when you're looking at the contributions that are submitted.

That's just two examples of many that dropped our evaluation part from 75 percent to 58 percent, when we were then considered as being capable of being granted money from Lou Greenwald and Pam Rosen Lampitt. So I want you to understand that even our Assemblyman's signature and contribution was not considered to be valid. And we would think that if his wasn't considered valid, whose would be considered valid?

We had other examples of this where the mayor of Waterford's husband was gravely ill. He was hospitalized. He was in a lung machine. She had power of attorney. She wrote a note saying that -- all of this -- explaining these details. She wrote two checks on behalf of her husband and submitted this information. Again, those checks were not considered to

count towards our contributions. However, they were cashed into the Clean Elections fund. This, again, causes controversy and concern for the people who've made their contributions thinking they are helping candidates qualify for Clean Elections, and then they find out that they can't get their money back. Their money is taken, but it doesn't count. And we had several examples of that: Where somebody had Alzheimer's, or something else, and checks were being written. But they then "did not count" as qualifying or valid for our contributions.

So somewhere along the way we need to resolve some of these issues. When we submitted money and we submitted all our financial forms for this, a \$30 contribution mistakenly was listed in a \$5 contribution. Therefore, it was considered invalid. Now, again, we look at that and say, "Is it invalid?" It's just a line item problem. It wasn't invalid and the check was cashed and counted in the Clean Elections fund. So those are some of the things that I think, logistically, need to be looked at when we're reevaluating this for 2007.

So recommendations, things to make this better: Lower the qualifying contribution amount; not have one candidate dependent upon the other; eliminate the two-tier system. Alter the timing of the program -- instead of having it be in July and August, maybe make it from April to July, something like that. Prorate the program once minimum qualifications have been met. Eliminate employer data information so people aren't worried about that issue. Accept cash and credit cards, as well as checks, just to facilitate this process. Eliminate signature comparison process as part of this validation, or whatever. There has to be another way to address that, but I, off the top of my head, can't think of what that

would be. Provide advance PR; certainly the promotion of this program has to be addressed earlier on in the process. Accept additional monetary contributions as valid -- if somebody is willing to give you more money, take it, but still accept it as that one-time contribution of \$5; if they want to give you \$15, take the money, but still count it as a valid \$5 contribution. And eliminate the punitive structure of the program, so that people aren't concerned that they're giving money for one candidate, but then it goes to the opposing party if they don't qualify. Just eliminate that construct and keep the money in the Clean Elections Fund without granting it to some other group that does qualify.

So those are my own recommendations.

SENATOR SCHLUTER: Before I open this up to questions, I want to compliment you on your very, very thoughtful and concise suggestions. They're very good. And it would be helpful if you can just summarize them so that we're assured we had it all, we do have it all. And I thought your testimony was excellent.

DR. GURENLIAN: Thank you.

SENATOR SCHLUTER: And we'll start off, as we have, with Mr. DeLuca and work our way this way.

MR. DeLUCA: I just wanted to compliment you, also.

Thank you, Mr. Chair.

I wanted to compliment you also on these -- on what you raised. Some of it was consistent with your previous testimony, and your recommendations I think were good. We talked about some of these earlier with the Democratic candidates; and some of the similar recommendations, even some of the similar points, have been raised by the citizens we've

heard. So I think everyone, at least, that we're hearing from is thinking along the same line.

I did have one question, because I don't have the facts. The margin of difference between this election, between you and the successful candidates, was it comparable to past elections or was there any difference?

DR. GURENLIAN: I performed better than the last time. I ran in 2003 and lost by about 20,000 votes in that election. And this time it was 8,000 -- between myself and the candidate who came in second. So I think it was a little bit better. There was much more exposure for me through this process, I think, than the first time. And this process enabled me and my running mate to get more of a message out to the public than we ever would have previously. But to the credit of Assemblyman Greenwald and Pam Rosen Lampitt sharing some of the funds, had the money not been shared we would probably have made out similarly to the previous election. Because you simply can't get your message out without money.

MR. DeLUCA: One of the comments that the Assemblyman made earlier was to level the playing field by having public contributions to each set of candidates. Would you say that even though it was unlevel in this case, that those public funds-- You did say; I just wanted to hear you say it. I just want to be clear about what you're saying. Are you saying that those public funds helped level it even more for you, because you had more access?

DR. GURENLIAN: It gave me a greater advantage than the previous time that I ran. I would have loved to have had a level playing field.

MR. DeLUCA: Right. But it was more level than--

DR. GURENLIAN: But it was more level than I had experienced previously.

MR. DeLUCA: In the time before.

DR. GURENLIAN: And I think that is the intent of the law -- is to have a level playing field. And I think it would be great to see what would happen if that were the case.

MR. DeLUCA: Now, of course, one of your recommendations of having a threshold, and then having, sort of, hurdles to get over, could result in uneven distribution.

DR. GURENLIAN: Yes, it could. It could. But I also think that it gives you the incentive. It gives some moneys that makes it available to have a reasonable campaign if you meet a minimum. And it gives you the incentive to keep going, not to stop. Let's say if you run this program from April to July, and somewhere in June you've met the threshold, the minimum threshold, it gives you the incentive to keep working to try to meet the maximum, so you don't stop. You keep going, and you get rewarded for the further along that you go. That would be my intent. It's not to stop, because you met the minimum. It's to go for the maximum.

MR. DeLUCA: And my last question, you mentioned as a con that both candidates needed to raise \$1,500, in one of your suggestions. It sounded to me like you were talking about decoupling the candidates.

DR. GURENLIAN: Yes. Yes.

MR. DeLUCA: In a joint campaign, how would that work, because one candidate could qualify as a Clean Election and one not?

DR. GURENLIAN: I don't know. I have to think about this a little bit more. But it just seemed as though it was insurmountable trying to get to 3,000, and that you got nothing. It was all or nothing. So I have to give that more thought.

MR. DeLUCA: Thanks.

DR. GURENLIAN: But if you decoupled it, or you allowed it to be the minimums and each person reached a minimum, then it just seems like it's more manageable to me. So maybe it's a blending or something like that.

MR. DeLUCA: Thank you.

DR. GURENLIAN: Thank you.

SENATOR SCHLUTER: Thank you.

ASSEMBLYWOMAN GREENSTEIN: Hi.

DR. GURENLIAN: Hi.

ASSEMBLYWOMAN GREENSTEIN: It's good to see you. And congratulations. I know you worked very hard, and that's worth a lot in advancing this program. What was the amount that you ended up raising before your opponents gave you some money? What was the amount? How close did you come?

DR. GURENLIAN: Is Jeff here? He isn't.

I know we hit 75 percent, but I don't remember the exact numbers of the breakdown of 500 and 1,000. I think we hit 90 percent of the \$5 contributions and 50 percent of the--

ASSEMBLYWOMAN GREENSTEIN: Thirty.

DR. GURENLIAN: --\$30 contributions.

ASSEMBLYWOMAN GREENSTEIN: What did you find as you went through the process early on and then as you got to October? What were the most effective means for you to raise the money? Was it coffees, was it door-to-door?

DR. GURENLIAN: The most effective were the coffees, because we reached a larger group of people in a short period of time. We were able to talk about campaign issues, which was the turning point for everyone in the room. They were happy to write checks and they talked to other people who wrote checks as well. The least effective was door-to-door. It was extremely time-consuming. Many people weren't home. It was very, very difficult to do.

ASSEMBLYWOMAN GREENSTEIN: When you did these coffees, did you start out -- especially because you ran before, or maybe through the party -- with some kind of network? Did you have, sort of, a list that you worked from, sort of a pre-network that you worked from?

DR. GURENLIAN: Somewhat so. Some of it was friends, family members, some through the mayors of certain towns -- offered to help get individuals. I mean, yes, we had a network through the county, as well, who was very helpful. And we just sort of outreached and begged. I mean, we had no pride. We just asked anybody who would offer to help us do it. We did a lot of this on our own. We baked for the coffees ourselves. We were sort of renown.

ASSEMBLYWOMAN GREENSTEIN: Was that because you felt the amount of seed money wasn't adequate?

DR. GURENLIAN: Yes. And we were also concerned about this whole notion of overspending or in-kind contributions and all of that,

and we were very nervous about how we were handling the money end of things. And we didn't want anybody to look at it and say, "Well, look at -- they're spending gads of money on a cocktail party and things like that," and we didn't want to give the impression that we were misusing the funds.

ASSEMBLYWOMAN GREENSTEIN: What are your suggestions on the seed money issue? Where would more be needed?

DR. GURENLIAN: We did mailings, and I think we probably could benefit by a little more seed money for mailings and things like that.

ASSEMBLYWOMAN GREENSTEIN: Do you know how many pieces you sent out?

DR. GURENLIAN: Probably close to 20,000. We did a large mailing, in the beginning, to 10,000. We did a targeted mailing to about 6,000. We did another mailing to probably about 3,000. Another targeted mailing to maybe 1,000 at the end. So probably, all totaled, somewhere around 20,000.

ASSEMBLYWOMAN GREENSTEIN: And you had enough money to--

DR. GURENLIAN: We did. We did.

MR. TAO: I'm sorry. This is with respect to the seed money and the fundraising portion. Okay?

ASSEMBLYWOMAN GREENSTEIN: That's all I have right now.

Thank you.

SENATOR SCHLUTER: Thank you, Assemblywoman.

Steve.

MR. LENOX: A couple quick ones.

Thank you for being here, also.

You stated a couple of times now that collecting the 3,000 contributions was an unrealistic, unfair, insurmountable task. Your opponents were able to do it. Why, do you think, the difference?

DR. GURENLIAN: I think they have a whole machine, that we don't have, to help them. We asked flat out how did they go from having 2,400 checks on a Sunday to announcing they had 3,000 on a Tuesday morning? We said, "What's your magic, because we would love to have that?" And we didn't know. Whatever it was that they did, we would love to have had that ability. But simply, we were a very small group working as our campaign team. You're seeing two of the three of us here right now. We just didn't have, I think, the network that they had despite our very best efforts. And we think we put forth a huge effort.

I mean, compared to District 13, we came through with 75 percent of the money. We think we really worked hard. But the problem again, I think, was I think we're a truer picture because we didn't-- We were the unknown candidates. We're not an incumbent. We didn't have the-- We weren't known around town. We didn't have the reputation of having been a legislator for 10 years. We didn't have a machine behind us. We were sort of the unknowns coming and doing this with a large group of individuals who were away for the Summer, who really didn't care or know about this particular program. So I think we were the better test of what was realistic than really the incumbent was, to be fair about that.

And our big push and most of our money came after Labor Day. So all that July, August work really was not profitable for us or fruitful for us, in terms of where we were, because we were barely at 1,000

by Labor Day. It was after Labor Day that we came on strong with our funds.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman, can I--

MR. LENOX: Yes, absolutely.

ASSEMBLYWOMAN GREENSTEIN: I just had something and I don't want to forget it. You mentioned you sent out maybe 20,000 pieces. And this was within the-- How much do you get in seed money for that?

DR. GURENLIAN: We -- each of us gets 3,000.

ASSEMBLYWOMAN GREENSTEIN: So 3,000 apiece. Now, I'm not sure that I have this exactly parallel, but when Lou Greenwald and Pam Lampitt spoke, I thought they said they sent out a lot less than that. I guess what I'm wondering about is, even if they did have this network that you're talking about, or as you call it a *machine*, even with all that, it sounds like you were both working with the same constraints, in terms of that rather small amount of seed money. And it sounds like you may have actually done more mailings. I think the answer to the question that was asked may go beyond the network. Because it sounds like you did quite a bit with the money you had. It may come down to the actual registrations in that district. It's a very Democratic district. I don't think that can be overlooked. Would you say that's a big factor?

DR. GURENLIAN: Well, I think that was a huge factor.

ASSEMBLYWOMAN GREENSTEIN: I think it has to be.

DR. GURENLIAN: It absolutely is a huge factor.

ASSEMBLYWOMAN GREENSTEIN: Because it sounds like you did a lot with what you had, and you both -- under very tight

constraints of money there. It sounds like you may have done more mailings than they did.

DR. GURENLIAN: We did a lot of mailing. We did a lot of walking. We did as many coffees as we possibly could.

ASSEMBLYWOMAN GREENSTEIN: And both sides worked hard.

DR. GURENLIAN: And we were happy to do everything we could think of. And like I said, if we could have thought of something else, we would have done it, because our intent was to qualify.

ASSEMBLYWOMAN GREENSTEIN: Yes.

Thank you.

MR. LENOX: If you could go back to the day that you signed your declaration and signed to run as a Clean candidate, would you do it again?

DR. GURENLIAN: (laughter) A good question. Tough question. Yes, I would, but I would probably do it in a Republican district. (laughter) I'd like to be in a Republican district. No. I would do it again because I believe in the intent of the program. And I think it's an honorable intent and I think it's greatly needed in New Jersey. But I would hope that the qualifying number would be lower.

MR. LENOX: Thank you.

MR. TAO: Thank you for coming. I've enjoyed your testimony on both occasions in which you've come to speak to us.

Let me first ask you, or let me just first describe the theory and tell me whether or not you agree that this theory can be achieved, provided your suggestions are implemented. The idea partially behind Clean

Elections is that it's supposed to change the nature in the way in which campaigns are run. Instead of mass media, cable ads, it's supposed to change the way the candidate campaigns. Meaning, by having to solicit all these individual contributions, it creates an obligation for the candidate to engage in grassroots efforts, coffee klatches, and so forth. Do you think, if done with your suggestions, this can be achieved?

DR. GURENLIAN: Yes. Because part of our effort was doing exactly that. And we found a great benefit, because people respond directly to that one-on-one or one-on-20 initiative. However, when you get to the second phase of this and you talk about the monetary allocation -- and I apologize for not thinking about that and putting that in my recommendation -- I would reconsider the amount of money that you would grant to the candidates. Because what ended up happening was some of the same things that always happens -- commercials, mass mailings, multiple mass mailings, and some of those things -- and you get away from the grassroots moments then.

MR. TAO: Well, I would like to ask you about that in terms of the amount. Let's leave the level playing field aside. If you could imagine that you had received equal amounts as the Democratic candidates, would that have given you enough money to run a reasonable campaign? Agreed, you can't run ads on Monday night football on network television, but something that would give you a chance to get a message out to a reasonable level. Do you think that the amount, if you had received all of it, would have permitted you to do so?

DR. GURENLIAN: Oh, absolutely. But what I am suggesting is that the amount be less.

MR. TAO: That's interesting. The balance, of course, this Commission needs to do is to have an amount that makes it attractive for candidates to participate and to run a reasonable campaign. You do make an interesting point that once the solicitation period ends, that then you do have this money and what are you going to do? You're going to buy the cable buys and the flat mail. To the extent that you're comfortable telling us, the amount that you received -- the 70 percent -- were you able to run cable, were you able to run flat?

DR. GURENLIAN: No. No.

MR. TAO: How about flat mail?

DR. GURENLIAN: We did flat mail.

MR. TAO: To all registered voters or just targeted?

DR. GURENLIAN: Targeted voters.

MR. TAO: Independents and Republicans?

DR. GURENLIAN: Independents and ours.

MR. TAO: Throughout the district?

DR. GURENLIAN: Few softies in our district. We did--

MR. TAO: By the way, how many waves?

DR. GURENLIAN: How many waves?

UNIDENTIFIED PERSON FROM AUDIENCE: Five waves.

MR. TAO: Five waves.

DR. GURENLIAN: We did a phoned message. And we have one other thing, but what was the other thing that we did? Recorded phones calls, the mass mailings.

MS. WINTERS: If you're going to speak, could you please come up to the microphone and identify yourself.

DR. GURENLIAN: But there was one other thing we did and I can't remember what it was now -- ads or whatever.

The thing that I'm suggesting, though, is, or my concern is, if you keep the portion where the opposing group that qualifies gets your funds and they get umpteen more amounts of money than you do, then they are able to do the commercials, they are able to do all those other things, and then it really destroys the intent of the program. And when we were at an editorial board meeting with *The Inquirer*, Assemblyman Greenwald said he only needs \$50,000 to beat us. And I thought a lot about that dollar figure, and I thought about what it meant as far as running a grassroots effort. And I think that there is a lot of merit in what he said.

MR. TAO: To your knowledge, did the Democrats run cable?

DR. GURENLIAN: They ran a television ad on ABC, I believe.

MR. TAO: Okay. You mean the Assembly candidates?

DR. GURENLIAN: Yes. Along with mailers and things like that.

MR. TAO: With respect to the amount of contributions, I agree with you, and I think many of my Commission members would agree, yourself and your co-candidate are the prototypical type of candidates, that you worked hard, you did everything that you could have done to qualify. If this statute was written well, you would have qualified.

So I'm going to close with a few hypotheticals. If the contribution amounts were this: 2,000 for both of you at \$20, would you have hit that?

DR. GURENLIAN: Probably not. Twenty dollars, I think that's hard, because we did not make 1,000 \$30--

MR. TAO: Assuming cash contributions, no employer identification required, credit card available, could you have hit that?

DR. GURENLIAN: Possibly, but I don't know -- probably. Because again, we did not make the 1,000 \$30.

MR. TAO: So you are saying that you were probably somewhere in-between 30 and 5, but not as high as 20?

DR. GURENLIAN: Correct.

MR. TAO: Okay. One thing that I think this Commission is also trying to determine is some type of mathematical-reasoned basis to come up with a number of the amount of contributions. Obviously, we could extrapolate from what the amounts of Arizona and Maine, but that really doesn't help us. One possibility is that you have -- am I correct, 250 signatures required to be an Assembly candidate per district, or is it--

DR. GURENLIAN: No, it's 100.

MR. TAO: Okay. Clearly, that's very low. But some type of multiplier that-- Do you have any suggestions in terms of a mathematical basis for us to make our determination?

DR. GURENLIAN: I think you should make it a \$10 contribution. I think you should make it \$1,000 per candidate.

MR. TAO: Two thousand combined, 1,000 per candidate, \$10 each. And you would have hit that? Now, I don't want to make it too easy for you either.

DR. GURENLIAN: I don't think that's easy. (laughter) I want you to understand, this is extremely difficult to do. It is extremely

time-consuming. It is all consuming to do this. There's nothing easy, truly nothing easy about this.

MR. TAO: And it should be hard. And it sounds like you--

DR. GURENLIAN: I want to assure you, it is. (laughter)

MR. TAO: Right.

Let me see if I have anything else here. That's all that I have.

Oh, what about this idea? And I don't know how this would work logistically, but one of the ideas is that we want people to participate in the program because-- And there should be a level of -- oh, I don't know. If the public knows that they're not a publicly Clean Elections candidate, then there may be some public scorn. At least, that's the hope. What do you think of an identifier on the sample ballot and also in the voting booth, in a way which ELEC and this Commission would construct and conceive, identifying Clean Elections candidates? Would that help or hurt? Agreed, there's an argument by saying, "Well, look at this Clean Elections candidates. They're siphoning money from the public coffers to run their campaign." But would it help or hurt a Clean Elections candidate to be identified on the ballot, in your view?

DR. GURENLIAN: I think they have so many opportunities to be identified as Clean Elections candidates, I don't know why they need to be distinguished on a ballot.

MR. TAO: Okay.

DR. GURENLIAN: I'd also like to go back to your previous comment about the \$10 and a 1,000. I would still hope -- I would hope that that would be the maximum. I would hope that you'd still come up

with some type of minimum. Unless that's what you were thinking as the minimum. Because I think that is so difficult to do still.

MR. TAO: I think what we were thinking is maybe a tiered release.

DR. GURENLIAN: Okay.

MR. TAO: So, okay. Thank you.

SENATOR SCHLUTER: Thank you, Curtis.

MR. TAO: Thank you, Mr. Chairman.

Thank you for your responses.

SENATOR SCHLUTER: A quick question. Did you say that a 1,000 contributions of \$10, or \$1,000 after \$10 contributions?

DR. GURENLIAN: One thousand \$10 contributions.

SENATOR SCHLUTER: Okay.

MR. TAO: Per candidate.

SENATOR SCHLUTER: So that would be \$10,000?

DR. GURENLIAN: Yes.

SENATOR SCHLUTER: Okay.

MR. TAO: Per candidate?

DR. GURENLIAN: Per candidate.

SENATOR SCHLUTER: Thank you very much.

Is the -- and I'll ask this of Mr. Herrmann. There has been some history of putting labels on ballots, with respect to this matter of a Clean candidate, where it has been invalidated. Is that correct? If you could answer that question, so that we could-- Because if we're going to pursue this and we know that it's wrong, we don't want to do that.

DR. HERRMANN: That's not ELEC's area of expertise, of ballot statements. It's our understanding, I think, that it would be permissible to do that. We might want to check with the Elections Division in terms of what the law would be about that.

SENATOR SCHLUTER: It would be?

DR. HERRMANN: We believe it would be, but we're not the experts.

SENATOR SCHLUTER: Oh, I see. I thought there was some hang-up on that. But while you're there, could you answer the candidate's question with the respect to the fact that contributions were given to the Clean Elections Fund, were cashed, and yet they were denied as far as qualifying contributions from the recorded donor?

DR. HERRMANN: Let me answer, in a general way, that we apply the same rules to everybody; as a matter of fact, the same rules we use for getting checks from normal candidates. And I believe these submissions were done right at the deadline. There is a cure provision that we have if we have enough time, a lot of times. If we get checks and there's some problems, we can get back to the candidate to say, "Here's the problem. Get it corrected." But when we've gotten all these checks right at the deadline, there's no ability for the Commission to cure it.

SENATOR SCHLUTER: But you did cash them, and some of the names were not certified. Is that correct? That's what you said, is it not?

DR. GURENLIAN: That's correct.

UNIDENTIFIED PERSON FROM AUDIENCE:  
(indiscernible)

SENATOR SCHLUTER: Fred can repeat it if--

DR. HERRMANN: Sure. If you want to tell me and-- Any check that we got that was made out to the Clean Elections Fund was deposited into the fund.

SENATOR SCHLUTER: But that means that then there were some that -- where they didn't count for the number of -- contributions that didn't count for the number that they were required to get.

DR. GURENLIAN: That's correct.

MS. MASSAR: If the contributions had been received on an earlier date, the campaign would have been notified of the defects, and they would have had an opportunity to cure them. It's my recollection that they came in on the last date. I believe that's correct.

DR. HERRMANN: Everything came in on the last day -- yes -- from that campaign.

MS. MASSAR: So there was no opportunity. That was the deadline, there was no opportunity to cure. And the numbers that the Commission was working with, at that point in time, the total number, even if all had been cured, did not hit the 1,500. And what we were charged with doing was deciding whether or not they made the certification criteria, and that was the 1,500.

SENATOR SCHLUTER: If you could comment on the value of incumbency. You were running against an incumbent, and before you ran against two incumbents who are in the district, are known. They have their own campaign funds. They spend that to go to the American Legion dinner or they buy an ad in the local YMCA benefit thing, or whatever it

might be. What sort of a value is that incumbency and the ability to spend money that they have during this interim period?

DR. GURENLIAN: It is invaluable. There is no comparison. There is no comparison. I mean, it's apples and oranges.

SENATOR SCHLUTER: It is of great value.

Thank you.

I have no more questions.

Do you have one?

MR. DeLUCA: First, I have a comment. We might want to call ourselves the cold elections commission, because it's freezing in this room. It's unbelievable. (laughter)

But I do have one question. It goes along the lines of labeling Clean Elections candidates. We received a copy of one of your flyers or your, I guess -- a mailer. And I was looking at it, and I didn't see that you identified yourself as Clean Elections candidates. Was there a reason for that?

DR. GURENLIAN: We did not qualify. We were not certified Clean Elections candidates.

MR. DeLUCA: If you were, would you have?

DR. GURENLIAN: Absolutely. But we technically were not and we have received notification as such.

MR. DeLUCA: Okay. That's right.

DR. GURENLIAN: So we did not feel we should misrepresent ourselves that way.

MR. DeLUCA: Okay. Thank you. That's right.

DR. GURENLIAN: Thank you very much.

SENATOR SCHLUTER: Thank you very much.

MR. DeLUCA: Thank you. Thank you for coming.

SENATOR SCHLUTER: We have another person to testify.

Are you going to testify, sir?

**J E F F R E Y S. K A S K O:** Sure. Should I fill this out first?

SENATOR SCHLUTER: Or just put your name down so we could-- Pardon me?

MR. KASKO: Do you want me to fill this out and give it in?

SENATOR SCHLUTER: Just put your name down there so we have it.

MR. KASKO: Yes, I'll hand this in.

My name is Jeff Kasko, and I was the campaign manager for JoAnn Gurenlian and Marc Fleischner in the 6th District. So I think that, besides any of the candidates who are out there raising money, probably no one in the State did more as an individual in making calls and putting coffees together and doing mailings and coming up with a strategy, to try to have these candidates qualify for this program, than myself. Literally all Summer, obviously. And I apologize because I know you've heard some of this from JoAnn. You probably heard it from the other candidates on the other side as well, all the different things we tried to do.

And I also apologize. I didn't -- and I know-- I spoke to the Senator earlier on the phone. I didn't have notice of this meeting until I saw it in the paper today. So I didn't get to prepare. I know JoAnn really didn't get to prepare. And we may want to do a little more preparation with some recommendations or some comments at one of your future meetings.

SENATOR SCHLUTER: Incidentally, Jeff, thank you very much for coming on short notice. We appreciate it. Your candidate gave excellent testimony before, and she's going to provide us with written comments on that.

Our staff did say that they sent notices out to the e-mail addresses that they had.

MR. KASKO: Right.

SENATOR SCHLUTER: But apparently, the e-mails were not opened up or the e-mail addresses had been cancelled, or whatever. But we apologize, and so proceed.

MR. KASKO: No problem. So I would just like to reiterate, probably, some of the things that JoAnn said. I'm not sure I agree with the \$10 times 1,000, but if you want to ask about that or if we want to talk about that, we can. But in general-- And I've worked on numerous campaigns -- local campaigns for council member and mayor, legislative campaigns for Assembly and Senate, as well as gubernatorial and senate campaigns in New Jersey -- as a consultant, as a spokesperson, or a manager, as a volunteer coordinator, as a volunteer -- all kinds of roles over the past 15 years or so.

In this district -- and I know you've talked about this, too -- it's difficult on our side. For Republicans it's difficult with the registration numbers. So we were very targeted in who we were trying to, number one, raise money from during the process, and also during the campaign when somebody mentioned, did we do mailers and stuff, as far as having a very short campaign in the Fall.

The one thing I will say that was the most difficult thing for me, and probably for the candidates as well, is that people didn't know about the program. People didn't know what Clean Elections was about, so that we had a double task. It wasn't just the task of raising 5 or 30 and reporting it, and getting the form filled out and getting it to ELEC, etc. It was the first hurdle of explaining to them what the program was. Because we'd talk about it, and they'd say, "What are you talking about? What is Clean Elections?" So we had that dual barrier almost of, first publicize, and explain, and educate; and then secondly, the actual process of: let's hold a coffee, let's go door-to-door, let's make a phone call, or send a letter and say, "Isn't this a great program? Don't you want to help us out and give us \$5?" Or in most cases, we tried to solicit two contributions of \$5, one for each candidate.

We got about 90 percent of the way there on the \$5 contributions, and we got probably around 50 percent of the way there -- maybe 45 to 50 -- on the \$30 contributions. So we ended up at approximately 75 of the total. And as you all, I'm sure, are aware, Assemblyman Greenwald did not want to accept both sides of the money since they qualified, and he gave us the approximate percentage of about 58 or 59 percent. Because as we mentioned before, some of the checks got kicked back and stuff for technicality, so they didn't count. So it was very generous of Assemblyman Greenwald and Ms. Lampitt to consider doing that -- in giving us a portion, which enabled us to have a campaign that in this district, at least to my knowledge, there hasn't been in probably 10 years, to be somewhat competitive and somewhat able to get our message

out by doing a few mailers and a few other things that campaigns typically do.

It was very short, obviously. It was only four or five weeks. I had to hustle a lot to get things together, because we were kind of in a limbo period in September, while the Assemblyman decided what he wanted to do with the public funds. But once we got it, we did make a great effort, had a good campaign. It's a difficult district, and I know we're really not here to talk about that, as far as partisan makeup of the district and that kind of stuff, but to focus on the law and the regulations in qualifying.

I echo what probably many of you and other people are saying, is that I think you need a little bit greater time than the eight to 10 weeks. As JoAnn said, the extra two weeks that the Governor -- when he extended it, was a great help. I noticed an uptake immediately. Because in the Fall, it's just a little easier, for whatever reason. It's -- in the middle of the Summer you're trying to collect money from people, and it's just not happening a lot. But in September, you have a little bit more attention and a little bit, I think, more availability of people to come to something or to answer the phone or to talk to you and say, "Yes, I'll give you two \$5 checks or two \$30 checks."

So I think that I would echo some of the other recommendations people have made: that you really need to have a longer period of time to qualify; and that you probably need to have a less, a lower number of contributions required. I'm not sure that there needs to be a two-tier, and I'm not sure why there was a two-tier, and maybe this was discussed before I was here. But having a \$5 and \$30 -- the two-tier system

-- I'm just not-- I don't see the value of it. Maybe pick something at a little higher, maybe \$10 or something, in the middle, and just go with one. That's a little confusing, too. We had to make up little brochures. I'll get them for the next time you meet, so I can show you some of the stuff that we did during the Summer. And I had to make up little brochures that we literally ran off on the copier ourselves because we were so limited, and folded them and handed them out, that said what is Clean Elections and how do you contribute. And then we had to talk about the 5 and the 30, and the filling out the form and giving your employer information, and it was confusing for a lot of people.

So anything that can make it simpler, I think. Simpler for average citizens to contribute and be part of it. And also, anything that makes it easier for an average citizen to run for office should be encouraged. And that includes, like I said, maybe lowering the number of contributors, expanding the period. And I also, just on another note, I think that awarding -- if you made a good faith effort, but you fell short like we did, awarding the opponents both sides of the money is just-- I don't think it's a great thing to do. I think that if you qualify, you get the money, but not necessarily your opponent's money.

And I think somebody may have mentioned -- and I apologize again, because I wasn't here -- that there may be some suggestions that there is a tiered system or a prorated system of: You get 50 percent of the way there, you get 50 percent. I would be very strongly in favor of that. If somebody makes a good faith effort, but they fall just a little bit short, it was zero or nothing -- it was all or nothing. And I think an all-or-nothing system is, again, not conducive to getting more people involved and more

people to run for office. I think that it could be a little fairer and maybe have that kind of prorated system.

SENATOR SCHLUTER: Thank you, Mr. Kasko.

MR. KASKO: So if anyone wants to ask me any questions as far as what we did all Summer, and how we did some things, and our experience--

SENATOR SCHLUTER: Lead off, Mr. DeLuca.

MR. DeLUCA: Yes. Thank you. Thanks for coming on short notice.

MR. KASKO: Sure.

MR. DeLUCA: And thanks for coming last time, too, and bearing with us.

The question I have is just on your statement about the qualifying candidates not getting the money of a non-qualifying candidate. When the legislation was written, there was the assumption that candidates were either going to opt in or opt out. And I think that piece was written for a candidate that decided, well, *they* weren't going to participate in Clean Elections. And that was the incentive to get them to participate. And that if you didn't, your money would go to your opponents. With your suggestion of this changing it, would you still leave in there that part of it, so that if a candidate said, "I'm not going to participate in Clean Elections" -- not one who said, "I'm going to try" and failed -- but someone who said, "I'm not participating in Clean Elections" -- to give that other candidate that money? Because that's a different category than what you're suggesting.

MR. KASKO: Right, yes.

MR. DeLUCA: And I wanted to see if you think maybe in addition -- as opposed to taking that out, maybe adding something, that you're suggesting, for those candidates that opt in but then fail to qualify.

MR. KASKO: Yes. Yes, I would say so. Because I think that my understanding of the intent, also, in the Legislature, was that, like you said, someone could just say, "I'm not going to do it," and then they could get a half million dollars from all these outside groups and overwhelm--

MR. DeLUCA: Right.

MR. KASKO: --the publicly financed candidate. And we don't want that to happen either. So I would say yes to that.

MR. DeLUCA: That's all I had.

Thank you.

ASSEMBLYWOMAN GREENSTEIN: I don't actually have anything, but thank you for your hard work.

MR. TAO: A few very brief questions.

MR. KASKO: Sure.

MR. TAO: Can you remind me the total gross amount that you received in your elections fund?

MR. KASKO: Through the Greenwald and Lampitt campaigns?

MR. TAO: Yes.

MR. KASKO: It was 37,500-something each.

MR. TAO: Times two.

MR. KASKO: Times two. So it came to 75,000 and change.

MR. TAO: And you ran five waves of mails to targets, and targets included Republicans, lean or soft Democrats, Independents?

MR. KASKO: Let me think. We did five waves of mailings. All five went to registered Independents in the district. Three of them, in addition, went to what we call in political consulting circles, *soft Rs*, which are people who may have only voted once in the past four years, like presidential year, and *soft Ds*, which are Democrats that don't have a primary history. They don't vote in primary elections, but they vote in presidential and gubernatorials.

MR. TAO: And did you send any to Rs, like firm Rs?

MR. KASKO: No. Wait, let me clarify. With the exception of one or two targeted districts, we did Cherry Hill by a-- We did a couple of towns. Like in Cherry Hill, I think we did all the Independents. In Haddonfield, which is JoAnn's hometown as well as mine, we did all Rs and Independents, and in Marc's hometown. So in certain towns we may have. But for the most part, those five were as I explained before: all Independents, and then three of them were a little bit higher universe with the soft ones.

MR. TAO: I don't know if you've done this, but roughly -- roughly -- how much money per registered voter in the district did you spend? Whatever?

MR. KASKO: I don't have it.

MR. TAO: Not registered voter, but in terms of your universe that you focused on? Clearly, we'll take out the Ds. Don't worry about that.

MR. KASKO: I don't have it even off the top of my head, but I'll-- I'm still kind of analyzing some of what we did and preparing a report for them, and I'd be happy to share it when we have it.

MR. TAO: Okay. How much would it have cost for you to do one cable buy? Like a reasonable cable buy -- I don't know, four days?

MR. KASKO: Ten to 15,000 probably. Again, I'm not a big-- I'm more of a direct mail kind of person. I'm not big on the radio and the cable. And we did have a proposal -- actually two proposals -- on some of that. And I can look at that, Curtis, to see if that's right.

MR. TAO: Perfect.

MR. KASKO: But because we were so limited, I just ruled it out immediately. We weren't going to have 130. If we had 130, we might have done maybe some cable or a radio ad. But because we were limited to under 75, I think we spent 60 of the 75 on direct mail. I just focused on the mail.

MR. TAO: Okay. When you do formulate your thoughts, we would be grateful if you could comment on the formula for us calculating the aggregate amount -- the 130 -- if you can give some thought to that.

Two thousand contributions of \$10 each -- would you have hit that?

MR. KASKO: Two thousand each?

MR. TAO: Two thousand contributions of \$10 each?

MR. KASKO: No.

SENATOR SCHLUTER: For each candidate or for both?

MR. TAO: Aggregate -- 1,000.

MR. KASKO: Oh, 1,000 per candidate--

MR. TAO: One thousand per candidate.

MR. KASKO: --times \$10?

MR. TAO: Yes. Two thousand in aggregate for the team.

MR. KASKO: Yes. I think with the little bit of extra time. With the eight to 10 weeks, the original time frame of the law, we might have been close. I don't know. But I think with the little extra time we had in September, yes. You also have to think in terms of -- once you kind of get the ball rolling, it steamrolls ahead. And when you're getting closer and closer, it's like you work harder. We call up everyone and say, "We're almost there." And that can get you there. So I would say that if that were the case, we would have made it, but it would have been close. It would have been close at the end. I would have driven it home at the end to make sure. We certainly wouldn't have fallen short if we were 95 or 98 percent of the way there.

MR. TAO: Would you have hit it if we continued the provision which no cash contributions are permitted, only check, but however we permit check card and credit card?

MR. KASKO: If-- Say that again.

MR. TAO: No cash. Currently, the statute does not permit cash contributions.

MR. KASKO: Right.

MR. TAO: If that is maintained, you're saying you still would have hit it?

MR. KASKO: We would have come close.

MR. TAO: Okay.

MR. KASKO: I think, with the extra time. With the extra time, yes.

MR. TAO: Thank you.

SENATOR SCHLUTER: I appreciate your coming out, Mr. Kasko. And from the newspaper clips that we got, we commend you for your campaign and your candor and your dedication, because it was very obvious from that. I have several questions.

MR. KASKO: Sure.

SENATOR SCHLUTER: And I want our Commissioners to hear this, because I think we're getting a little close to some of our thoughts. There seems to be possibly a position where people might favor this incremental type of two-stage or three-stage qualifying. Meaning, if you got half of your contributions, then you would qualify for half the money, but you would still be able to get the full 100 percent if you got the 100 percent of the contributions. If, as your candidate said, that you start raising money from April to June when people are around, and you are allowed to raise money in September, as it worked out that you were (indiscernible), do you think that might be a two-tiered system, a two-increment system that might work if you got half of them by the end of June? Then you would get your first payment -- half -- but you would-- After you did that, then you would have to commit as a Clean candidate. You couldn't go back. But you would have your opportunity to still get more--

MR. KASKO: To keep going.

SENATOR SCHLUTER: --to keep going?

MR. KASKO: Yes. Yes.

SENATOR SCHLUTER: Because the Summer months are the worse months.

MR. KASKO: Yes.

SENATOR SCHLUTER: June, July, and August, people are just not around and not interested.

MR. KASKO: Right.

SENATOR SCHLUTER: Does that seem like it might be right?

MR. KASKO: It might. Yes, I think it might.

SENATOR SCHLUTER: We've talked before you came here. And before you were here, Curtis, we talked about asking Mr. Herrmann to give us the way that we can accept cash with some sort of a statement of affirmation. So we want to do that as a Commission ourselves. If there is a goal of \$10,000 per candidate in \$20 contributions or less-- I'm sorry. Twenty dollar contributions or less, 10,000, with a minimum of 500 contributions. So you have the goal of the number of contributors, 500 minimum, and the dollar amount of 10,000, which means if you've got 500 people giving \$20, you get the 10,000. But if you had 1,000 people giving \$10, you'd get the \$10,000. Does this make a little bit more sense? In other words, the amount of money that you get would be flexible.

MR. KASKO: Flexible, right.

SENATOR SCHLUTER: But you would have two standards -- the dollar amount total in the aggregate and the number of contributions.

MR. KASKO: Yes. I haven't thought of that. But like I said, I think anything that makes it more flexible and easier for average people to contribute and be involved and to run, I would be in favor. And it sounds like that might -- might.

The one thing I would also add -- and I'm sorry I didn't say this before -- is that-- Well, I think you touched on it -- the flexibility -- is don't

make it maybe just 5, or this time it was 5 or 30. We had people give \$10. I don't know if JoAnn went over that, and I handed it in as a \$5, but it didn't count. I mean, clearly, the people intended to help Marc and JoAnn with 5 each, but for some reason their check was \$10 each. That kind of inflexibility should probably be revisited.

SENATOR SCHLUTER: Now, this question is not in any way personal or accusatory, but you were the campaign manager for the Republican candidates?

MR. KASKO: Right.

SENATOR SCHLUTER: Did you receive compensation in that position?

MR. KASKO: Yes.

SENATOR SCHLUTER: While they were soliciting for their qualifying contributions?

MR. KASKO: Yes, minimal while they were -- it came out of the 6,000.

SENATOR SCHLUTER: It came out of the-- In other words--

MR. KASKO: No, wait a minute.

SENATOR SCHLUTER: The seed money? You've got your candidate--

MR. TAO: Your candidate is shaking her head.

MR. KASKO: Why are you shaking your head?

Hold on, hold on. I'll tell you right now. No, not from the seed money. No, I did not. That's correct. My compensation came before they qualified. There was a small amount, because I had been working for them already in May and June -- primary and post-primary. Then they

announced their intent somewhere around July 8 or July 10, after the Fourth of July holiday. And from then until September 21, we had the 6,000 -- the 3,000 each in-- Excuse me, what were they called?

SENATOR SCHLUTER: Seed money.

MR. KASKO: Seed money. Thank you. In seed money contributions. No, I didn't get any compensation from the seed. Then once we were qualified, then I had compensation in the Fall from that money.

SENATOR SCHLUTER: Yes, because--

MR. KASKO: That was of an incentive for me for them to make it. So that if they got the money, then I would get paid. Because basically, you're right, for July and August, I really wasn't getting paid.

SENATOR SCHLUTER: Well, I asked that question because--

MR. KASKO: Right.

SENATOR SCHLUTER: --obviously, you have value because of your knowledge and expertise in the political management. And yet, with seed money, there isn't that much--

MR. KASKO: There isn't.

SENATOR SCHLUTER: --to provide that if you have to have direct mail and management. And I think both candidates, when they testified before, said they worked full-time.

MR. KASKO: Right.

SENATOR SCHLUTER: So it is good to have a-- But then you were compensated before, from money that they had raised before they became Clean candidates.

MR. KASKO: Right.

SENATOR SCHLUTER: And that's another issue which we have to consider.

MR. KASKO: And that was minimal. I don't want to say that it was, like, they had tons of money and then I got tons of money right under the deadline before they were Clean candidates. That wasn't the way it happened.

SENATOR SCHLUTER: I will say, without being specific, that is not unique in your case.

MR. KASKO: Right.

SENATOR SCHLUTER: That was in other cases, too, that exist.

MR. KASKO: Right. I'm aware of that.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman?

SENATOR SCHLUTER: Other questions?

Yes.

ASSEMBLYWOMAN GREENSTEIN: I have a question. I want to find out, when you were going to these coffees and these events, and getting the 5-or-whatever donations, what were you saying to people? People don't understand the concept of special interests money and we have to do this so we don't have to take big money. How did you explain this whole thing to people to get them to give you these donations? Was it the idea of, "Well, we just like you, and we want to give you the donation." Or did you give them a real explanation of what this meant?

MR. KASKO: No. Both candidates would mingle with guests in someone's house. I hosted one with a friend of mine in Haddonfield, and invited friends and people and colleagues and others that we knew.

And it was basically-- And in some cases, we would try to have a special guest -- the local council, or mayor, or somebody could come -- just as a draw to get them there. That wasn't what it was about. It was about Clean Elections and about them. And both Marc and JoAnn, as the candidates, would kind of give a stump talk to everyone for five minutes.

ASSEMBLYWOMAN GREENSTEIN: On other issues.

MR. KASKO: On other issues, but no -- but on Clean Elections as well. Saying this is a historic program; we're so happy you're here; you're able to really take part in the first effort to have this Fair and Clean system in New Jersey; and your contributions, whether it's 5 or 30, whether it's from you, or you and your spouse -- which you tried to do all that -- it means a lot. Because it means that we're going to you and we're going to grassroots instead of going to lobbyists and corporations and special interests and political parties for money.

ASSEMBLYWOMAN GREENSTEIN: Did you have a sense people keyed into that and understood it?

MR. KASKO: Yes, they did. I think they did, yes.

ASSEMBLYWOMAN GREENSTEIN: Good. That's reassuring.

MR. KASKO: Yes. Definitely they did. I think that there were people that came to some coffees and some small house events that we had that ordinarily don't do political stuff. Yes, definitely.

ASSEMBLYWOMAN GREENSTEIN: That's good.

SENATOR SCHLUTER: Thank you very much, Mr. Kasko, for coming on short notice.

MR. KASKO: That's it. Okay. Thank you.

SENATOR SCHLUTER: And give us more information if it develops.

MR. KASKO: I would very much be happy to provide you with more. I know you have more hearings coming up, and we'll do that for you.

Yes, thanks.

SENATOR SCHLUTER: Yes.

Can I suggest for our Commission that maybe we move away from the windows here and get in a little warmer place. (laughter) We can go over to that table over there.

MS. WINTERS: We can't because of the microphone setup, Senator. It's taped to the--

SENATOR SCHLUTER: No, we're not going-- We are not governed by the Open Public Meetings Act. And what I thought we would talk about was just our next meetings and where we're going.

I'm sorry. We've got to do our--

MR. TAO: Do we have to adopt the minutes?

SENATOR SCHLUTER: Oh, yes. Let's do that. Let's do that now.

I'll entertain a motion about the minutes. We have -- everybody has received the minutes. Is there a motion to accept them?

ASSEMBLYWOMAN GREENSTEIN: I'll move them.

MR. DeLUCA: Second.

SENATOR SCHLUTER: Moved by Assemblywoman Greenstein to accept.

Seconded by Mr. Deluca.

Any discussion? (no response)

Hearing none, all in favor? (ayes respond)

Opposed? (no response)

So ordered.

And you've taken the roll.

What? You're driving up?

UNIDENTIFIED PERSON FROM AUDIENCE: With Fred.

SENATOR SCHLUTER: Oh, with Fred. Oh, okay.

MR. DeLUCA: It's on the record.

SENATOR SCHLUTER: Thank you.

Any other business to come before the group? (no response)

I would like to--

MR. DeLUCA: Mr. Chair?

SENATOR SCHLUTER: Yes.

MR. DeLUCA: Next week we have another meeting up in Monmouth County.

SENATOR SCHLUTER: On the same time, the same schedule on Tuesday.

MR. DeLUCA: Can we make sure that all the candidates know to follow up on that with--

MS. WINTERS: Commissioner DeLuca, the issue was that the only e-mail address I had for them was their campaign address, which, once the campaign ended, apparently was shut down in some manner. I've spoken to Mr. Kasko, have his current contact information, and will make sure that he has an updated meeting notice for all the upcoming meetings.

MR. DeLUCA: Okay. And in the 13th District, we also have the Green Party candidates.

SENATOR SCHLUTER: Green Party candidates.

MS. WINTERS: I have all their current contact information.

MR. DeLUCA: Okay, great.

Thank you.

SENATOR SCHLUTER: And I think if you had somebody just call them, too.

MS. WINTERS: Okay.

SENATOR SCHLUTER: Yes.

MR. DeLUCA: And just a personal note. Next week, I'm going to have to leave roughly around 7:00, maybe 7:30.

SENATOR SCHLUTER: Okay. All right.

MR. TAO: How did it go in terms of starting at 4:00? Did we get a lot of people to testify, or was the critical time 5:00 to--

SENATOR SCHLUTER: I was here at 4:00. (laughter)

We didn't get Commissioners until somewhat after that. Assemblyman Roberts started at 4:15.

MR. TAO: Okay.

SENATOR SCHLUTER: And we really didn't have many people here. But it was--

MR. TAO: I'll do my best to try to get here a little earlier, but I'll still probably, at the earliest, be able to get here around 6:00.

SENATOR SCHLUTER: The meeting on the 2nd, which is a week from this coming Friday at Seton Hall, is 2:00 to 6:00. And we're going to have the person from Maine, the person in charge of the Maine Clean Elections campaign there. He's coming down.

ASSEMBLYWOMAN GREENSTEIN: Are we doing the trip up there that you had talked about?

SENATOR SCHLUTER: Well, no, there didn't seem enough-- I'm going up to the COGEL Convention on the 7th of December.

ASSEMBLYWOMAN GREENSTEIN: What convention is it?

SENATOR SCHLUTER: COGEL, Council on Government Ethics Laws.

ASSEMBLYWOMAN GREENSTEIN: Okay.

SENATOR SCHLUTER: Fred Herrmann is a member of that.

MS. WINTERS: Do you want to continue to record and transcribe, or do you want to close the meeting? Because this has all been recorded.

SENATOR SCHLUTER: We're through transcribing. Wait a second. Wait a second. Excuse me. Excuse me. We've got to take up that issue about that person -- yes. This is part of our official--

So anyway, to answer your question, Assemblywoman -- I'm going up there. It's an ad hoc kind of thing. There's only one two-hour panel on it. The person from Arizona is not coming, unfortunately. But I know enough people there that I can soak up a lot.

ASSEMBLYWOMAN GREENSTEIN: Good. So you'll tell us what went on.

SENATOR SCHLUTER: I'll report, and Fred Herrmann will be there, and Nedda Massar will be there.

ASSEMBLYWOMAN GREENSTEIN: Who?

SENATOR SCHLUTER: Nedda Massar.

ASSEMBLYWOMAN GREENSTEIN: Oh, Nedda. Yes.

SENATOR SCHLUTER: Could you, Gina, tell the Commission members about this matter of somebody taking a film of our meetings?

MS. WINTERS: Sure.

The Commission has been contacted by a woman who would like to make a documentary which would involve filming Commission meetings, including all of you Commissioners, for her work. My understanding is she's a film student at NYU. She did send a contract to Legislative Services, which was reviewed by counsel, which included a whole lot of things.

ASSEMBLYWOMAN GREENSTEIN: A contract?

MS. WINTERS: It was a release form, I understand. And it was decided maybe to have the Commissioners, if they would like to, vote on this matter; and then, if they'd like to sign individual release forms, rather than doing it as a Commission, because members of the public would be involved in the filming, and also you and your testimony. So this matter is up for discussion by the Commission. And it is my understanding that the Chairman would like us to take a vote on whether this is something we'd like to be involved with.

ASSEMBLYWOMAN GREENSTEIN: Why is she doing this? Is it a film project for school?

SENATOR SCHLUTER: She is doing this as a film project to enter into a film festival, as they do in filmmaking, in order to get notoriety, and to develop their background and their ability to make and produce films.

MR. TAO: And she thinks that she'll be competitive in a competition by filming us? (laughter)

MR. DeLUCA: Mr. Chairman, if I can just add. She comes from my town, and I met her on Election Day. She was at my polling place and she was interviewing people as they were leaving, just about the process. She was allowed to come in and film the closing of the machines and the opening of the -- well actually, the closing of the polls and the opening of the machines for her documentary. And in my conversation with her about election issues and about politics in general, I did talk about Clean Elections, and that's how she got this information.

I think that if she's interested in coming here, she ought to come in and interview people individually and get releases from folks individually. I don't know if we're -- I don't know about covering the meeting. If the New Jersey Network came in here right now and filmed us, they would have the right to do that, correct?

SENATOR SCHLUTER: Sure.

MR. DeLUCA: And so I'm not sure what the distinction is between them and somebody who is a filmmaker.

MR. TAO: Well, I think the only distinction here is that she's seeking a release. So NJN would not require our release. Personally, I don't have a problem. I couldn't imagine what I would sue her over, other than if she filmed my chin the entire time and I was very self-conscious about my chin. (laughter) But from what you're saying, this person sounds to be energetic and curious and interested in the process, and has a somewhat puzzling topic for her film project. But nonetheless, that's her choice.

ASSEMBLYWOMAN GREENSTEIN: I don't know whether I'd sign a release or not. I always feel funny about these things. They bother me for some reason.

MR. TAO: Is the release required by the school?

ASSEMBLYWOMAN GREENSTEIN: Do you know why? The reason they bother me is because -- how do I explain this? People are doing it because they usually have an angle in how they're presenting it. It's not that they come into it with a particular interest in Clean Elections or the work we're doing. Usually there's an artistic angle to it, and it may be presented in a slanted way. Now, will that really affect what we're doing? Probably not, but I don't know. I guess if it's something we can't stop, if she's just allowed to come in and do it, then she's allowed to. But it always -- I'm never that happy about these kinds of things, because of that.

SENATOR SCHLUTER: I think there's two issues. There's the issue of -- I don't think they would want to come if we didn't say it's all right for her to film. But the matter of the release and the contract is a separate issue, which we were advised by Marci Hochman, who is Assistant Counsel for the Legislature, that this--

ASSEMBLYWOMAN GREENSTEIN: I think that's getting a little complicated, having to deal with contracts and--

SENATOR SCHLUTER: You're a lawyer. You're a lawyer.

ASSEMBLYWOMAN GREENSTEIN: I don't know. It's just--

SENATOR SCHLUTER: And she advised against signing. So in talking this over with Frank Parisi, it was our thought that we would say, "Okay, it's okay to film it. But anybody that -- you have to do your own business on getting people to sign a release if they want to."

ASSEMBLYWOMAN GREENSTEIN: Who was she asking to sign this contract? I'm a little confused about that.

SENATOR SCHLUTER: She was asking the Commission.

MS. WINTERS: The Commission.

SENATOR SCHLUTER: And to sign a contract, and then a separate release for Commission members to sign.

MR. TAO: Do we know if it's required by the school?

SENATOR SCHLUTER: Well, first of all--

Oh, excuse me?

Good point, Curtis.

We said that she would have to -- if she did this, she would have to take it up with the host facility. That that would be her responsibility with them, not with us. So my recommendation is that I have no objection to somebody filming it, but we're not going to sign any contract.

MR. DeLUCA: I would agree with that. I think we should say that if she wanted to come and film it, as long as it wasn't disruptive to our business and it was done in a way -- and if any of the people who were testifying asked not to be filmed, then we honor that wish. But that if she just wanted to do us up here, we sign on for this. I mean, the press comes in and covers us.

ASSEMBLYWOMAN GREENSTEIN: The thing I'd be interested in, I guess legally, is does she have a right in this-- You said if NJN wanted to come in, they would probably ask-- Well, would they ask us?

MR. DeLUCA: No, they would just come in.

ASSEMBLYWOMAN GREENSTEIN: They would just come in. Does she have that right to just come in and start filming?

SENATOR SCHLUTER: I'm not sure, Linda, because she's got this letterhead, MADE Productions. And maybe that entity feels that they want all of these releases and everything else, or all of this authorization done.

ASSEMBLYWOMAN GREENSTEIN: Can we see what those say, I mean, just generally? I just was interested.

SENATOR SCHLUTER: You can take this, and I'll be glad to get rid of it. (laughter)

ASSEMBLYWOMAN GREENSTEIN: No, I just want to look at it. I'm just curious more than anything else.

SENATOR SCHLUTER: If it's the will of the Commission, I would suggest that we say it's all right for her to film, and that's as far as we go.

MR. DeLUCA: Without signing any releases. I would agree.

ASSEMBLYWOMAN GREENSTEIN: Yes.

SENATOR SCHLUTER: Without signing any--

MR. TAO: Right. Agreed.

SENATOR SCHLUTER: Is there a motion to do that?

MR. DeLUCA: I move it.

MR. TAO: Second.

SENATOR SCHLUTER: Moved and seconded.

All in favor? (ayes respond)

Opposed? (no response)

So ordered.

You got that?

MS. WINTERS: Sure.

MR. DeLUCA: Move we adjourn.

SENATOR SCHLUTER: We have a move that we adjourn.

Is there a second? And we meet over here for a little--

ASSEMBLYWOMAN GREENSTEIN: Second.

SENATOR SCHLUTER: Second.

All in favor? (ayes respond)

Opposed? (no response)

So ordered.

**(MEETING CONCLUDED)**