
Public Meeting

before

SPECIAL LEGISLATIVE DISTRICT SELECTION COMMITTEE

"To select for participation in the 2007 New Jersey Fair and Clean Elections Pilot Project one legislative district in which no more than two members of the Legislature are members of the same political party as the other member of the Legislature."

LOCATION: Committee Room 12
State House Annex
Trenton, New Jersey

DATE: April 16, 2007
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Governor James J. Florio, Chair
Senator William E. Schluter
Assemblywoman Carol J. Murphy
Thomas Byrne
Steven Lenox



ALSO PRESENT:

Gina Marie Winters
Office of Legislative Services

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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GOVERNOR JAMES J. FLORIO (Chair): I'd like to call to order this meeting of the Special Legislative District Selection Committee, and would ask that the appropriate Open Meetings notice be read.

MS. WINTERS (OLS Aide): Adequate notice of this meeting has been provided to the Secretary of State and the newspapers in the state in accordance with the Open Public Meetings Act.

GOVERNOR FLORIO: I'd like to welcome everyone in attendance, and particularly welcome the members of the Committee: Mrs. Murphy, Mr. Schluter, Tom Byrne, Steve Lenox.

We are here to provide guidance and some decision making to deal with the Clean Elections legislation that has been enacted. I think, by this time, all of us know of the apprehensions that people have about the influence of special interest money in political campaigns. I think it's fair to say that that factor -- special interest money in campaigns -- has lent itself to questions about the integrity of the whole political process. Over and above that, I think it's fair to say that even the normal operation of the political process is impacted by the infusion of money as a growing factor.

For example, the time that it takes to raise money is time away from officeholders' ability to function in dealing with policy considerations. It is time away from officeholders' ability to interact with their constituents. It is time away from them to even deal with their own family matters. So this is something that I think most people in this state and across the country have an understanding of, as a difficult problem that should be addressed.

The influence of large amounts of money even has an impact upon the pool of people who are able to realistically be candidates. If you

don't have your own money, if you don't travel in circles that give you access to donors, that is a competitive disadvantage in this day and age. And that's to say nothing about the impact upon nontraditional candidates -- women, minorities. They are particularly at a disadvantage as a result of the overreliance upon large amounts of money to finance campaigns.

Today we're hopefully taking a step in moving in the direction of changing those scenarios for the better. Under the Clean Elections Reauthorization Act, that was signed into law by Governor Corzine on the 28th of March, three legislative districts will qualify for public financing in this year's election. Under the law, the respective legislative leaders, last week, made their selections as to which districts they wish to be the participating districts. Because there was no consensus as to the split district, we are here. The statute provides for this mechanism for making a final determination. So we will be functioning as the tie-breaker.

I think this decision is extremely important for us to make; and to be putting out there a good third district, so that we can gain information in those competitive districts that we can apply to -- even to expanding, as we go down the road, expanding this concept. So this demonstration project ultimately could be expanded, if the Legislature sees fit, to a statewide program; expanded perhaps to primaries, which I think would be desirable at some point down the road; and even expanded into local elections, which again would be something that's desirable.

I'd like to just say that I'm going to ask my fellow Committee members if they have opening statements. But I would just close my statement with an observation that-- If there's any virtue to longevity -- and I'm not sure there is -- but if there is any virtue to longevity, it is that it

gives you an opportunity to get some perspective on things, to see how things evolve over a longer period of time. In my own situation, I'm just reminded of the fact that when I ran for the United States Congress and was elected, I spent \$90,000, if I recall it correctly. Now hotly contested school board elections get into that realm of dollar amounts being spent.

I think it's also clear to say that we all know that the influence of special interest money has resulted in not only that money being raised, but politics becoming much more divisive, much less civil. And that's something that is not a good thing. Civility has been diminished in a way that discourages a lot of people, and people have become very cynical about the whole process. In some respects, people think that officeholders are much more sensitive to the needs of their donors than they are to the needs of their constituents who they represent. Hopefully, that's not the case, but I think we cannot be unmindful of the fact that that is the perception in many instances, and that's not good.

This mechanism that we're involved with today hopefully will move us in the direction of trying to change that. And the goal should be to convert this from a pilot project ultimately to a project that applies statewide, and that will be the norm rather than the exception.

I would now ask my fellow members if there are any members that desire to make some opening statements.

Senator Schluter.

SENATOR SCHLUTER: Thank you, Governor, and it's a pleasure serving with you on this Committee.

Everybody here and everybody, I think, in New Jersey is for Clean Elections. The issue today really is, which of the districts really

represents true reform and is part of a good, sound Clean Elections process. Our Commission -- and I was Chair of the Commission for the better part of a year -- met very diligently. We took a lot of testimony from a lot of different sources. We received information from Maine and Arizona which have Clean Elections, where those elections are financed by public money. And in those states, it was easy, because the public by initiative and referendum voted to have Clean Elections, so they had to have it. And the stakes were there, and they just had to develop the laws and the procedures and the regulations to take care of the Clean Elections. And they did it, and they did it very, very successfully.

Here in New Jersey, we don't have initiative and referendum, and the process has been a pilot process. The pilot process started with legislation in 2004; and was implemented during the Assembly election of 2005, where we had a district in Camden County and a district in Monmouth County as the clean districts. Now, a lot of people will say that that experiment was a failure, because there were many problems. There were problems with the way that money was collected; there were problems with the time it took to make these collections -- there were all sorts of problems. But I and the other members of the Commission don't think that it was a failure. I think we accomplished our purpose, because we saw by experience what it would take to have Clean Elections in New Jersey. And that resulted in our preliminary report of February 2006, and our final report of May of 2006, and in the legislation which we presented in that final report.

So I'm happy to be a member of this group, Governor, and turn it back to you.

GOVERNOR FLORIO: Thank you very much.
Chairman Byrne.

MR. BYRNE: Thank you, Governor.

I share many of the sentiments that you've expressed. And I just want to add that I'm pleased and honored to be a part of establishing a process of public financing, which I think holds great promise for the State. There's a part of me that wishes that we were not sitting here today, and that both districts were able to participate. But a more successful outcome in the 2007 legislative cycle will increase the chances for an expanded system of public financing going forward, and I'm simply happy to be a part of that process.

Thank you.

GOVERNOR FLORIO: Thank you very much.
Assemblywoman Murphy.

ASSEMBLYWOMAN MURPHY: Yes. Thank you very much, Governor. And my sincerest apologies to you all for the tardiness of my arrival. I show no disrespect or feel any -- toward anyone or any of this Committee's work. I think it's wonderful. So I do apologize to you all.

The issue today, of deciding which district will be the district chosen for the final districts in this year's Clean Elections campaign pilot project effort, is very important to us all -- for a multitude of reasons, all of which I am sure you will hear expounded upon by everyone who feels one way or the other, or in the middle even, today. But please understand that the seriousness and the time that was spent in last election year's effort on this was extraordinary; and the fact that people came together and we did

have a successful election, in that there were winners, there were losers, and there was learning. And that's really what all these things are about.

It's a delight to be here, and I thank you all for that.

Thank you.

GOVERNOR FLORIO: Thank you very much.

Mr. Lenox.

MR. LENOX: Thank you, Governor Florio.

Before I start, I want to say it's somewhat intimidating to be up here today with some of our State's most prolific statesmen. It's an honor for me to be here with all of you today, and to once again be called upon to help promote the concept of Clean Elections in New Jersey.

As Chairman Schluter and Assemblywoman Murphy stated, the program wasn't a failure in 2005. In fact, it was a success, based on the fact that we're here today expanding the program -- expanding the program into a competitive district, and allowing more voters the opportunity to participate in a publicly financed campaign process. When Clean Elections works at its best, we're going to be able to take the influence of big money out of politics and give it back to the voters where it belongs.

I look forward to being a part of this project again this election cycle, and I thank you all for being here today.

And I thank Speaker Roberts, who gave me the opportunity to be heard.

Thank you.

GOVERNOR FLORIO: Thank you very much.

I'll just note for the record, for Mr. Lenox's information, sometimes a statesman is referred to as a dead politician. (laughter) I hope that that was not what he was wanting to reference to, to this.

ASSEMBLYWOMAN MURPHY: This session today may prove none of us are dead.

GOVERNOR FLORIO: Thank you.

We're now going to move to taking testimony from individuals who have requested the opportunity to be heard on this legislation and this issue that we're before.

First, we're very pleased to have, as our first witness, Assemblyman Greenwald, who has been very much involved in this whole initiative.

Assemblyman.

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: Star witness? You don't get that a lot these days.

Governor, thank you for having me here today, and for the members of the panel -- Senator Schluter, in particular, and Steve. Not many people called the effort in 2005 a success, but the two of you have steadfastly stood by the efforts and the work that we did. And I want to thank you for that. Because, as myself and Assemblywoman Lampitt being the first ever successful candidates in this effort, we were very proud of participating.

I said, when the Governor signed the bill -- and I mean this sincerely -- out of all of my professional accomplishments in government, this was truly one that I am most proud of, because it brought me back to my roots of public service and to the dedication of -- the opportunity for the

people that Governor Florio talked about. My mother was a living example of what Clean Elections could be; for someone who came from the most modest of means, from a background of poverty -- a single parent household, because her father died when she was 3-years-old of cancer -- to be able to literally answer an ad in the newspaper to have the opportunity to run for office. Much of that has been lost today. And I think this notion of big-dollar government, where donors -- and seems that elections go to the highest bidder.

The purpose of this program -- this experiment, as we participated in, in 2005 -- was, if not in a reality to restore honor and integrity to public service, it was to create the public perception again that government was not for sale; and that it was open to anyone who would choose to have the courage to put their name on the ballot, and the honor and the integrity to work as hard as all of the candidates did in 2005.

Today, we're here because there is a disagreement as to which district should be the split district. That to me is a remarkable accomplishment -- of the success of this bill in and of itself. The fact that people are truly fighting over whether or not to have the opportunity to participate is a sign of the success of this. When we did this in 2005, takers were hard to come by; people were afraid of change. The fact that, today, people are trying to fight to participate in this program is a sign of not only the success from two years ago, the growth that we have made until today, but I think bodes well for the future of this program.

I will tell you that I'm torn as I sit here. I have friends on all sides of these issues. Jennifer Beck is a personal friend who I got to know and admire and respect in her previous life, before public service, as an

intelligent, articulate government advocate on public policy issues. And she has done nothing to diminish that in my eyes in her service as a colleague. Michael Panter is a peer of mine who came from a competitive district, much like I did, and has had two conversations with me about his desire and interest to participate in this program.

But on the other side, in the 14th District, I have two friends as well -- Linda Greenstein and Bill Baroni. And both of them served on this Commission in an attempt to improve the process two years ago, and both of them were studious in their efforts, with us, to participate in the process to reform and improve what we started on two years ago. They constantly asked questions about: What did I learn from my experience? They wanted to improve the process. And most importantly, from the first day we participated in the bipartisan effort, they both expressed an interest to be the next Clean candidates and urged a split district.

To respond to one of the earliest criticisms from two years ago, which was that this process was an incumbent protection mechanism, they both looked at this as a mindset to show that even in a split district, where more often than not money would predominate the election process, they said they wanted to take money out, go back to the grassroots politics, and have an opportunity to do this.

You're going to hear from both sides of this debate and the candidates on both sides. And I will tell you that it is not an easy choice. And I know that there are-- Look, there is poverty in every district in the state. But when I see the numbers in the 14th District, in addition to the just sheer desire of these two individuals -- and I should say, I believe in my heart of hearts that Bill and Linda have earned the right to be the Clean

candidates by participating in this process; and maybe that was by selection through the Speaker and the Minority Leader, but to me they have earned this right.

But when you look at some of the facts -- and I know, because of some of my experiences with Jen and Michael, that there are certainly areas of poverty in the 12th. District 14 is made up of blue-collar neighborhoods, as well as wealthy communities. The residents are both young families just starting out and senior citizens who have spent their lifetimes there.

The assets cannot be overlooked. The average personal income is \$31,815. It's the 14th highest among the 40 legislative districts. The many low- to moderate-income residents within the district would be more likely to contribute to a political candidate under a Clean Elections than they would outside of that, in a large donor contribution. And it certainly doesn't in any way slight the 12th. But the 12th, from the information that we have, the average personal income per taxpayer is \$37,395. And I believe, in the little that I know about the district -- the candidates certainly know them better. I see the 14th as a more walkable district, which will allow them the access to communicate -- certainly the diligence of the candidates in the 12th, they will walk the district no matter how difficult it may be -- but I think it allows for a cleaner, more doable example as we come out of this process.

When you look at the traditional competitive nature of these districts, the 14th has had, in 2001 through 2005, a closer spread amongst the candidates. And I think that is telling of the competitive nature of this district. And when you look at the cost spent at \$534,000, roughly, per

candidate in the 14th, it is a sign that if not chosen, that district once again will be a district that will draw the traditional political dollars from special interests and donors.

I don't envy your decision; I truly don't. But I will come back to where I started with this -- there are great candidates on all sides of this. And there are people in the 12th that have argued and spent their careers arguing for reform of the traditional system.

All that being said, I believe that Bill and Linda have dedicated a significant part of their legislative policy debate and their careers to this issue. They have spent the better part of the last two years working on this issue, and I believe that they've earned the right based on that -- in a tough decision -- to be the candidates selected to participate in this process. And I can tell you, regardless of partisanship, they will all do us proud if they are selected for this process.

And I thank you for the time to listen. And if anyone has any questions, I'm happy to answer them.

GOVERNOR FLORIO: Thank you very much for your assistance today.

I thought one of the more important points that you raised was the fact that there is bipartisan support, in each of these districts, for the contending district.

ASSEMBLYMAN GREENWALD: Yes, sir.

GOVERNOR FLORIO: So that is something important to note.

Are there any questions? (no response)

If not, we thank you very much.

ASSEMBLYMAN GREENWALD: Governor, thank you, and good luck to everyone.

Thank you.

GOVERNOR FLORIO: Thank you.

We have a request -- and we're going to ask Mayor Gilmore to come forward. We have an understanding that he has to get out -- back on the road to start pumping water from some of the communities. So we're going to ask the Mayor of Hamilton Township to give us his remarks.

MAYOR GLEN D. GILMORE: Thank you very much, Governor, and to the members of this Commission. I certainly applaud your work. There are few projects more important for our State than the work that you are doing here today, which is to help us restore public confidence in the election process.

I'm here today as the Mayor of the largest municipality in the 14th Legislative District to urge you to select our district as the one to be the next phase of this very important pilot program. Hamilton Township is the eighth largest municipality in the State of New Jersey. But on election day, we bring out the fourth largest vote in the entire state. We have about 55,000 voters. Our voters are proud of their independence, and they are very quick to be bipartisan voters in the very same election.

We're proud of the fact that we have two legislators, two members of the Assembly, who have joined together in a bipartisan effort to make our community one of the test grounds for this important initiative. Hamilton Township, for those who don't know, is a community of 40 square miles. And within our 40 square miles, you have a largely suburban community. But as you walk through our community or drive through our

community, you also see that we have a farm belt, and you'll also see that we have areas of our community that certainly look more urban than suburban in their setting.

We also have a tradition in Hamilton Township, for those of us who've been fortunate enough to serve, of having a constituency that does expect those of us who run for public office to come door to door. And those of us who have had some measure of success, I believe have had success because of that important tradition. Our voters are typically looked upon as a bellwether. Anytime that there is a statewide or national election, because of their independence, we know that as we struggle to find a district that is competitive, that is bipartisan, we believe that you'll find no better district than the 14th Legislative District. Every election in the largest municipality in this district is a competitive election. And our voters have voted in the same election for a Democratic United States Senator and a Republican member of Congress.

I, as a Democratic Mayor, began with a Republican Council; then moved to a Democratic Council; now have a Republican Council. And there are those who hope that, in the not-too-distant future, it will become Democratic again. But hope springs eternal.

So if you're looking for a district that can be looked upon as one in which voters will have an opportunity to be given an opportunity to have greater confidence in the election process, the 14th Legislative District is where it should happen. I know that the voters in my community are desperately looking for campaign finance reform and are looking for an initiative that will help restore that confidence. I believe that this initiative

is one that will bring us an important step forward, and hope at the end of the day you'll select our district for that important pilot.

Thank you.

GOVERNOR FLORIO: Thank you very much.

Are there any questions?

Senator.

SENATOR SCHLUTER: Mayor, I just want my colleagues up here to understand that you are a very popular mayor of the biggest township in Mercer County, one of the biggest municipalities in the state. But he's also -- his name has been often advanced as a potential candidate for the Legislature for the Senate. So he knows whereof he speaks when he gives us this analysis.

MAYOR GILMORE: Thank you, Senator.

And I should note that I began in public service as a legislative aide to a State Assemblyman who used to represent Hamilton Township. And so I have had a long opportunity to see, at the district level, how important our voters take our statewide elections; and again, welcome the opportunity for it to take place in the 14th.

Thank you, Senator.

Thank you, Governor. Thank you, members of this great Committee. Thank you.

GOVERNOR FLORIO: Thank you very much, very much.

We're now pleased to have the legislative team from the 14th District, Assemblywoman Greenstein and Assemblyman Baroni. Please come forward.

A S S E M B L Y M A N B I L L B A R O N I: Governor, as we begin, I would just like it on the record that Linda and I did not plan our purple outfits together today, so-- (laughter)

A S S E M B L Y W O M A N L I N D A R. G R E E N S T E I N:
Thank you.

Thank you so much for the opportunity to speak today in favor of bringing Clean Elections to the 14th Legislative District. Just very -- on a personal note, when I entered politics, I really entered as somewhat of an outsider. I was in local office for a short while, but when I decided to run for the Assembly, I really came in not through the political process or through the party, but just as a person who decided to do this. Luckily I was somewhat ignorant of the importance of money, which I have learned pretty quickly, and luckily also I didn't let it daunt me, and I continued through a very difficult process. I went through many stages. And then eventually, as it looked like I might have a chance of winning, money began to come in. But for the longest time we didn't have it -- during most of the election, in fact -- and it was a very interesting experience in trying to do this sort of thing with very little money. So you might say I've already had that experience in the past. And I can tell that it is something that most people would be daunted by. And that's what I think.

I think it's the influence of money in politics that keeps so many people out. I hear from so many people, "Oh, gee, I couldn't do that because I couldn't raise the money." And I think that's what we're here to address today -- the possibility that this can be done, that an election can be run without a lot of money.

Those of you who haven't had the pleasure of traveling in the 14th District, our towns are Hamilton, Cranbury, Jamesburg, Monroe, Plainsboro, South Brunswick, and West Windsor. And the demographics of this district closely mirror the demographics of the state as a whole, I believe. Although we don't have any of the really large urban areas, we have just about everything else. We have suburban areas, semirural, and even rural areas. And our residents represent a rich tapestry of people from throughout the world, really. We have a very diverse district -- families of all sizes, backgrounds, and economic circumstances.

This second experiment, in what I believe will lead to a future of Clean Elections across the State of New Jersey, will benefit tremendously from that diversity and also from the enthusiasm of the people who live in the 14th, for this process. My neighbors in the 14th, as you've heard already, consistently vote to send both Democrats and Republicans to our nation's capitol. And I know Bill and I, because we've talked about this, have both heard from so many of them how much they like it that way. I think that's fairly unique throughout the state. People really enjoy having the representation of both parties in Trenton. Roughly half of the residents of our district vote on Election Day -- an impressive statistic considering the waning voter turnout across the country. And I believe, just from doing so much door to door and talking to so many people, that our folks in the district do vote on the issues. They vote on the person and the issues and the way those two combine. Is this a person who they think will make their voice heard? That's what they look at, and it is not a party vote in most parts of our district.

I've spoken publicly numerous times about the importance of Clean Elections to the future of women and other minorities in politics, and I want to reiterate that again today. We're all well aware that many intelligent, dedicated candidates are choosing not to seek elective office due to the intimidating costs associated with a successful campaign. This intimidation factor is readily apparent in the fact that only 23 of the 120 seats in the State Legislature today are held by women. And New Jersey ranks 35th among the 50 states for the percentage of women in the Legislature.

New Jersey minority communities also need the assistance of Clean Elections. Two of this State's fastest growing minority groups -- Hispanic and Asians -- also remain underrepresented in Trenton. And for the record, one of my running mates is an Asian. I believe she might be the first Asian woman to run, but I'm not really sure about that; but certainly one of the few.

In a State as progressive as New Jersey, the Legislature should more closely reflect the diversity in the entire state. As a female elected official, it would make me proud to be one of the first to implement this project, which will help us reach this ideal by putting elective office within the grasp of every New Jerseyan.

Finally, what I want to say is, there really is a difference with the split districts and the so-called *safer districts*, where there may be more of a party vote. In fact, because of the type of district we have, we actually do have to get out there and contact the voters. So you may say, "That's already taking place in the 14th." The reason I think we can really be an interesting part of this experiment is because we can see if that can be done

for a lot less money. We're doing a lot of the grassroots right now. We have to in this district. The question is, do we need as much mail or media to make that happen? Certainly, because it is a voluntary program, we do need to have at least some reasonable amount, and I argued for that on the Committee. But it's possible that we can do it for less, and maybe even less than we think, and still have results that most of us would be happy with; meaning people will do their best to win and certainly will have the means to try to do that.

So I think the 14th would be a very good choice, and it's something that I'd like to advocate for. And I want to thank the Committee -- commending former Senator Schluter on his great work, and thanking Governor Florio for his great work here today, and everybody else.

Thank you so much.

GOVERNOR FLORIO: Thank you very much.

Mr. Assemblyman.

ASSEMBLYMAN BARONI: Thank you, Governor, and members of the Committee.

Who would have ever thought we'd be here? When we had, night after night -- with Chairman Schluter and Assemblywoman Murphy, and Mrs. Greenstein, and myself -- night after night of public hearings about the -- Steve Lenox -- about the 2005 experimental campaign. And we heard over and over again the difficulties of the Clean Elections program in 2005. Who would have ever thought we'd get to the day where we'd be sitting in Trenton in front of a panel arguing over which of our districts gets to be a Clean Elections district? In and of itself, that is a success of the idea

of Clean Elections. And that's really what this bill is about that we are seeking to implement here in 2007.

And there are two questions I believe that any district that wishes to be a Clean Elections district needs to answer today. First, why would you want this? And second, can Clean Elections work in New Jersey?

Why would we want this? We spent a lot of time over the last number of years reading headlines in the newspaper about corruption, and about politics and big money. The benefit of a Clean Elections district is it turns politics in New Jersey on its head. The issues that have dominated the headlines -- of pay-to-play contributions, which is really just big contributions from contractors; the issue of wheeling of money from one county organization to another; big, large contributions from State party organizations -- stop in a Clean Elections district. Many of the problems that we have faced in politics in New Jersey stop if a district is a Clean district, and that's why I want to do this.

I've spent four years in the Legislature advocating for ethics reform in New Jersey. And we can write bills, and we can pass laws, and we can do regulations; but in the end we need to show it can work. We need to show you can do politics in New Jersey without \$1,000, \$2,000, \$10,000, \$100,000 checks; you can do it with \$10 checks. And you can win, and you can explain your issues, and you can debate without the big money. And that's why I want to do it. I want to do it because I want to show it can work. Because one of the things we heard over and over again in whatever hearing we had, no matter which corner of the state we went, was people doubting whether it could work. I want the 14th District to be

this district, because I want to show this can work. I never again want to hear discussion, whether it be in caucus or in the media, that “Well, Clean Elections can’t work in New Jersey,” and somehow New Jersey was unique, different from Arizona and Maine and New York City and other places with public funding of elections. It’s not different. People who run for office and get involved, and want to make a difference in their town and their county and their district and their state, they want to have the ability to go door to door and talk about the issues, and not have to go fundraiser to fundraiser.

So why do I want this? Because I want to show, after four years in the Legislature of knocking on doors, you can run a positive, clean campaign without big money. Can this work in New Jersey? The other reason why I’d like the 14th District to show that this can work -- this has been, in the 14th District certainly, a bipartisan support of this effort. There was bipartisan support of the initial bill in 2005. After the 2005 campaign, there was bipartisan support from the 14th District to study the program. There was bipartisan support on the working group to write the legislation. We had a bipartisan bill sponsorship and we have a bipartisan commitment to success. This is not a tactic, this is not a campaign event, this is not an attempt at a headline. This is a true commitment from three Republican candidates and three Democratic candidates in the 14th District to show the people of New Jersey this can work.

This bill is not perfect. As those of us who sat at the study Commission and those of us who sat on the working group know, I want primaries included in Clean Elections in New Jersey. I want more districts included in Clean Elections in New Jersey. But right now, at this moment,

the issue of Clean Elections, and whether or not it will exist in 2009, comes down to a test that's actually in the bill and whether or not the program works this year. If this program doesn't work this year, it will go away. If candidates don't become certified, it will go away, and we won't bring it back. Give the six of us in the 14th District the chance to show you and the people of New Jersey that campaigns can be waged with low contributions, more debates, more door to door, and less fundraising. Let us show you it can work.

We've been committed to this for years. Let us be committed for another 10 months and come back to you. And you'll be able to say, "We chose the 14th District and, boy, did they get it done right, and they succeeded." I want the 12th District to be a Clean Elections district. I want the 15th District, and the 5th District, and the 23rd District, and the 26th District to be Clean Elections districts. I want 40 districts to be Clean Elections districts. The way we get there is to succeed right now, this year. And I suggest to you, with great respect meant to my friends in other districts, that the 14th District -- given its diversity, given its bipartisan commitment -- is the right district to make this work right now.

Thank you.

GOVERNOR FLORIO: Thank you very much.

Are there any questions?

Senator.

SENATOR SCHLUTER: Thank you, Assemblywoman and Assemblyman. I have questions which either one of you can answer. They go back to the Citizens Clean Elections Commission, on which you sat.

The Report of May 8, 2006 -- what was the standard subsidy for any district, proposed by that legislation, for a certified clean candidate?

ASSEMBLYWOMAN GREENSTEIN: I believe we said 100,000 in there. I believe we did.

SENATOR SCHLUTER: Yes. A hundred thousand. And if the opposing candidate ran clean, then you couldn't get rescue money, so it will stay at \$100,000. What is the amount of money proposed in this legislation for District 14 candidates who are clean?

ASSEMBLYWOMAN GREENSTEIN: Well, what we did this time -- and this was something that I proposed last time that, I guess, didn't make it through the Commission. But it was something that we talked about -- was the idea that a district like 14, and like so many of the other split districts, spent so much more than \$100,000, that in order to come up with a reasonable amount, that we should look at past amounts spent. In fact, for many of the other districts, 100,000 is much more than they usually spend, and they wouldn't even need to go up to the 100,000 in many cases. But in a district like ours the amounts have tended, historically, to be a lot larger, because of trying to get the message out in a competitive district. And 100,000 was so much less, we thought it would be a good idea to have some formula that would take a look at what had been spent historically in the district over the last couple of years. So the figure is higher. We are talking about the possibility of coming to some group agreement to have it a little bit lower, but that number has not been decided yet; and that would be by agreement.

SENATOR SCHLUTER: And the number that I have been given is 534,000 per candidate.

ASSEMBLYWOMAN GREENSTEIN: Which I believe is based on the formula that's in there, or the approach in there, of looking at what was spent in the last few years. I have heard that it does come out to that amount. I haven't seen the calculations.

SENATOR SCHLUTER: But in the report of the Clean Elections Commission, which recommended 17 possible districts to be selected, six of which would be selected -- two from the previous experiment -- that District 14 was one of those. And District 14 would have only gotten, according to that formula, \$100,000.

ASSEMBLYWOMAN GREENSTEIN: I believe that's true.

SENATOR SCHLUTER: Now, the next question. In the proposal that had been put forth by the Citizens Commission -- and this is germane, Mr. Chairman, this is not getting broad -- was there any distinction between candidates running as independent candidates from party candidates?

ASSEMBLYMAN BARONI: There was not. And Chairman, as you remember, the very lengthy conversations I had -- one of the issues that I have with the bill that has been passed into law is the disparate treatment between major independent candidates. I've been very clear about that, spoke on the floor of the Assembly when the bill passed about that; along with the lack of primaries, which was also recommended in that report, which I strongly support. Much as that moment, when the bill passed, I was not completely satisfied with this legislation and made it very clear. One of the big reasons -- I think there is a disparate treatment. I think that's inappropriate. But again, if our option is to have a Clean Elections program which is -- and I know, respectfully, you and I may disagree on this

-- but if our option is to have a Clean Elections program that is nowhere near perfect, as I believe this is; or no Clean Elections program-- And in the ideal world, we would have had a better program. I don't disagree with that. But if our option is one that is flawed or one that is nonexistent, I will take the flawed program, make that program work in 2007, come back in 2008, and write the bill that includes the full treatment of independent candidates -- which, as you remember, I advocated very clearly in our Commission -- and also include primaries. Because I know Assemblywoman Murphy-- We've spent a lot of time on the issue of primaries, because districts like 23 and 26 -- and the elections are the primary. That's why I want those included. We don't get to that discussion, we don't get to rewrite the law, we don't get to make things better if we don't get through this November successfully. And it's why I'm urging the 14th District to do that. Because we will make this a success.

And Senator, I'll tell you, as I've told you privately, when we go back and do this again, we will learn the lessons. Just as we learned the lessons in '05 to make '07 better, we will learn the lessons where '07 needs to be fixed, including primaries and independent candidates, and some other areas, and make it better in 2009.

SENATOR SCHLUTER: Thank you.

With respect to the other two districts, District 24 and District 37, if a candidate is running independent in those districts, what does that candidate get? The subsidy that the party candidates get is \$100,000. What does the independent get in those districts?

ASSEMBLYMAN BARONI: I think a certified independent candidate, and I would look to some of-- For sure, I'm almost positive it

will be half of the allocation, which is one of the reasons why I think that disparate treatment quite frankly could, I think as a lawyer, raise those constitutional questions. But from reading the statute, Senator, it would be half of that.

SENATOR SCHLUTER: All right. And I'm not a lawyer, but I've been told by my lawyer friends that when you ask a question, you should know the answer to the question you're asking. So it is \$50,000?

ASSEMBLYMAN BARONI: I believe that to be correct.

SENATOR SCHLUTER: Now, what does an independent candidate running in District 14 get as a public subsidy?

ASSEMBLYMAN BARONI: If I was good at math, I would have gone to med school.

ASSEMBLYWOMAN GREENSTEIN: Actually, if I could, I am-- That's one of the questions that I've posed that I haven't gotten a definite answer to yet. That was asked: whether the independent candidate would get half. Let me tell you this -- half of whatever we accept. Let's just say, for example, we're entitled to whatever it is, 530, but we accept 400. Do they get half of 530 or half of 400? They were not sure of the answer to that question. That was being looked at by the folks writing the regulations, because they weren't sure.

SENATOR SCHLUTER: The amount in the bill is \$50,000. So that's not half of what you get. It's less than 10 percent.

ASSEMBLYMAN BARONI: Yes. Again--

SENATOR SCHLUTER: It is \$50,000.

ASSEMBLYMAN BARONI: Yes. Somebody said that to me on the way in. I think that's something that ELEC is going to need to look at to make sure the intent of the sponsors is fulfilled.

SENATOR SCHLUTER: Well, intent or not, it's very clear. And I've gone over this with the people--

ASSEMBLYWOMAN GREENSTEIN: Oh, I think you're right.

SENATOR SCHLUTER: No, it's \$50,000.

ASSEMBLYMAN BARONI: And obviously, Senator, that's going to be the same issue whether you pick the 12th District or you pick the 14th District.

SENATOR SCHLUTER: The 14th District is 10 percent of 440, correct.

ASSEMBLYMAN BARONI: Either the 12th-- But either way, according to your interpretation of that, would be the same issue.

SENATOR SCHLUTER: I mean, 50,000 is not--

ASSEMBLYWOMAN GREENSTEIN: And Senator, if I could, I just want to inject this right here, just very quickly. I agree with Bill that the next time we do this, once we get through with a really successful experiment, I would definitely like to see some of the things that you're talking about -- the primaries, for example -- included. Because it is true that that was something we agreed on in our group.

SENATOR SCHLUTER: Well, I thank you for your question. I just wanted to establish these couple of points.

But I will say, for the audience here, that in our deliberations we were trying to pick out the districts that would be selected in a pool,

which then the party chairman would select six from. And we said that -- let's have these moderately competitive. Not competitive -- moderately competitive; and we did not include -- this was in the original Commission -- we did not include 12 or 14, or I think 13 was the other. And Assemblyman Baroni came into that meeting and he raised holy Ned. He said, "I am in the Assembly. I don't want people to think that I'm doing this for my advantage; I want our districts included because that's going to be a tough lift for anybody to run as a candidate." So that's to your credit, Assemblyman.

ASSEMBLYMAN BARONI: Thank you, Senator.

SENATOR SCHLUTER: Thank you.

GOVERNOR FLORIO: Thank you very much.

Just to summarize what your response is to the mission this Commission has: Your position is that District 14 would be the preferred district?

ASSEMBLYWOMAN GREENSTEIN: Yes.

ASSEMBLYMAN BARONI: Strongly urge this Commission to give us the chance to show this can work.

GOVERNOR FLORIO: Thank you very much.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

GOVERNOR FLORIO: Our next speaker -- or actually, I think, speakers -- the distinguished representative from the 12th District, Assemblywoman Beck. It's my understanding that Mr. O'Scanlon is here with you, and Ms. Casagrande.

Welcome.

A S S E M B L Y W O M A N J E N N I F E R B E C K: Good afternoon.

I'm Assemblywoman Jennifer Beck from Legislative District 12, here with my running mates Councilman Declan O'Scanlon and Assembly Candidate Caroline Casagrande to ask for the Clean Elections designation for District 12; and to assert that, if chosen, we will succeed.

I'd like to give the Committee an overview of Legislative District 12, and suggest that there are three criteria which I think are important in this selection process. First, the ability to succeed in the district; secondly, the competitiveness of the district; and thirdly, the influence of special interest on the prior campaigns in this district.

I've given you a handout. It's a one-pager, and I'd asked maybe if you wouldn't mind referencing it. If you look at the voter registration in Legislative District 12, you'll find that there are 24,163 Democrats registered and 24,088 Republicans -- the remaining voters are undeclared -- in comparison to Legislative District 14, in which we have 28,778 Democrats, 17,836 Republicans. So Democrats out-register Republicans by 64 percent. I raise this issue because in the case of a campaign in which you're providing equal funding and we're looking to have both a fair and clean election, the case could be made that it makes more sense to provide equal funding where the voter registration is basically equal, where you don't favor one party over another. And in this case of District 12, that is true.

Let's go back to the election results of 2005. In 2005, I was successful over Assemblyman Bob Morgan by 951 votes. My colleague to

my left, Councilman Declan O'Scanlon, lost to Assemblyman Mike Panter by 73 votes. Those are very close races indeed.

Now, let's look at Legislative District 14. My colleague, Assemblyman Baroni, who is also a very good friend, won by 37,241 votes. And my colleague and friend Assemblywoman Greenstein won by 35,816 votes. The other two candidates, Democrat and Republican, only received 29,000 votes, roughly. The two of them were very close, but they were 5,000 votes behind the incumbents.

I bring that to your attention because I believe District 12, among all four candidates, was extremely competitive within a hair's breath, where the competition and the door to door made a huge difference. And there was motivation among all candidates to reach out to their residents -- another reason why I believe that you would find that all six of us would be successful in completing the Clean Elections program.

Third, the Councilman and I went door to door from May through November -- every single solitary weekend and many nights during the week. We hit 9,800 doors in the course of six months. It is indeed the reason that I believe the election was so close. I guarantee you that this young woman to my right, who has more energy than two of us combined, will be more than happy to hit another 10,000 doors with us this coming Fall. I think that is an important factor -- the willingness of the candidates to get out and knock on doors. And indeed, I'll tell you that many times when we are out there, we did see Assemblyman Panter and Assemblyman Morgan doing the exact same thing. You have motivated candidates in this district.

The geographics of the district: We have urban areas -- Freehold Borough, Red Bank. We have very, very congested, developed towns. The homes are very close together. We have many rental properties. It makes it easy to get to the doors. And we have more registered voters in District 12 than in District 15. We have roughly 141,000 versus their 121,000.

Lastly, let's talk about the influence -- about the special interest in District 12. And I'm going to give you a very broad overview. My colleague, Councilman O'Scanlon, is going to give you the details of the comparison between 12 and 14, and how special interests influenced those two campaigns. I'm just going to give you the broad brush. First of all, in 2005, the Democrats spent \$1,277,430; the Republicans spent \$504,000. About 80 percent of that money came from outside of Legislative District 12, and roughly 80 percent was from special interests. If you look, even in the final weeks of the campaign you'll see that roughly a million dollars came in, in the final five weeks, from special interests. That clearly sways the course of the campaign and clearly sways the voters. I believe that the reason that we came as close as we did is because we did the door-to-door outreach. And I think, again, in a Clean Elections scenario you'll see even more of that.

So I have one last point that I wanted to address, that my friend and colleague Assemblyman Greenwald made, and that was about the economics of the district. What I'll tell you is that in the last cycle, in 2005, of 196 checks that we had come in, 159 of them were between \$10 and \$500. So a majority of the checks that came into us were from individuals, in small amounts up to \$500. I don't think that the income is

necessarily a factor that should sway this decision one way or the other. We've done a lot of grassroots outreach in the past, will continue to do it, and it's certainly -- we've seen interest from the citizens in giving all amounts of money.

So with that said, I'd like to turn it over to Councilman O'Scanlon, and he is going to walk you through some of the charts that we've put together regarding special interest spending.

COUNCILMAN DECLAN O'SCANLON: And I'll do my best not to make the details as excruciating as they sometimes have a knack of being.

Ladies and gentlemen of the Committee, I appreciate the opportunity to appear before you today. Again, my name is Declan O'Scanlon. I'm a candidate, along with Jennifer and Caroline, in the 12th Legislative District.

You have important work to do here today. It is frequently the case that what will ultimately be the most historic and significant acts of our leaders are not initially recognized as such. I believe the decisions you make here today have the capacity to dramatically and permanently change the tenor of politics in New Jersey. The Clean Elections pilot program has many easily enumerable and quantifiable goals. This Committee's mission is to decide which of the two split legislative districts in question, the 14th or the 12th, would best suit the pilot program and showcase it so that we can expand it in the future. We candidates in the 12th District have performed, as you'll soon find out, an exhaustive examination of the facts in each of the Districts in order to assess which one would best be suited to

this pilot project, and appreciate the opportunity to share our findings with you today.

The first goal of the Clean Elections program is to drive special interest money out of the political process. It is obvious on its face that special interest money corrupts the political system, if not always literally, certainly in the minds of the people of New Jersey who have become outraged by the abuses of the system they read about almost every day. Additionally, the wheeling in of special interest and out-of-district money leads to wild spending disparity; and elections won and lost not by way of a legitimate debate of the issues, but by who can wheel in enough cash to prevent the other side's message from being heard in the first place.

If you'll look at the first and second graphs-- Each of you have packets that have these charts as well -- these are the two charts that I'm referring to now -- you'll see the first striking reason why District 12 is the best choice for this pilot program. In District 12, in 2005, one side outspent the other by an astounding 153 percent, while spending disparity in District 14 was only 26 percent. The trends further make the point. If you look at the third and fourth charts depicting the spending, over here (indicating) -- if you look at those charts, you could see the spending in each district over the last two election cycles. The spending levels in the 14th District have tended to even out. The trend in the 12th is going exactly in the opposite direction. Again, that's also illustrated over here (indicating). This is the spending disparity.

ASSEMBLYWOMAN BECK: You should note that there's a (indiscernible).

COUNCILMAN O'SCANLON: Well, that's true. But the bottom line is that the spending disparity has gotten closer in the 12th District -- sorry, has gotten further in the 12th District, while in the 14th it's closed -- one could almost say that the spending parity there is healthy. No one can argue that it's healthy in the 12th District.

Those trends, without the impact of the Clean Elections, are expected to continue. Importantly, the percentage of overall spending that is special money wheeled from outside the districts decreased in the 14th District from 2003 to 2005, but increased in the 12th, hitting a staggering 80 percent of every dollar spent in 2005.

The next question becomes, will these trends continue this election cycle? If you speak to anyone involved in New Jersey politics today, you'll find very few people predicting a one-sided tidal wave of special interest spending distorting the outcome of the election in the 14th District. But that is exactly what everyone knows is going to happen in the 12th. Exactly the type of scenario that the Clean Elections program is supposed to control. With that knowledge, how could one justify the choice of the 14th District over the 12th?

Another factor that has been widely spoken about by the Clean Elections program backers and that should be taken into account in your choice, over and above the choice of a split district, is that we ought to strive to choose the most competitive one. Once again, the 12th District stands out. More than anyone, I can testify that the 12th District is fiercely competitive. As my running mate mentioned, I was a candidate for the Assembly once before, in 2005. I lost my election by 73 votes. It took us four weeks to come to the conclusion after election day. It was one of the

closest elections in the state in recent memory. The 12th District, not the 14th, is being looked upon as the most competitive at both the Senate and Assembly levels in the State this year. There could be no better place to showcase the Clean Elections program than a district that would be a real contest and that we follow so closely.

In addition to the primary goals for removing special interest money and promoting campaigns based upon ideas rather than dollars, there are other goals that have been touted by the program's backers. As has been mentioned to you already, there is hope that more fair campaigns could promote more women and minorities having the opportunity to legitimately compete in the political arena. With four out of six candidates in the 12th District being women, it is conceivable that the District could be exclusively represented by women after this year's election, although I'm not endorsing that action. (laughter) But one can't argue the fact that testing this program in the district with so many women candidates can't help but promote even more women to get involved.

Another reason for choosing the 12th District for this program is that Monmouth County, which makes up all but two of the municipalities of the 12th District, has been the center of bribery and corruption probes that have made headlines across the state and that we have all read about. There is no more blatant special interest money than that handed to someone in a brown paper bag. There is no group of people in the State of New Jersey more in need of a shot of confidence in their leaders than the beleaguered residents of Monmouth County. What better place could there be to center the beginning of a program to eliminate the influence of money on our electoral process?

Additionally, the *Asbury Park Press*, the State's leading newspaper in the advocacy of reforms that tie right into the Clean Elections program -- such as anti-pay-to-play, wheeling, campaign finance and ethics reforms -- is the dominant newspaper in the district. The *Press* has gone so far as to editorialize in favor of the 12th District over the 14th to be the Clean Elections program. A copy of the *Press* editorial is in your packets. The *Press* would be a most effective watchdog over the Clean Elections participants in this district, and would see to it that the program's successes and failures were widely publicized.

In doing our research for our appearance here today, we spoke to dozens of knowledgeable people on both sides of the political aisle. The people we spoke to were, based on the reality of the data we have presented to you, unanimous in their conclusion that the 12th Legislative District is the perfect district for the Clean Elections pilot program. The 12th, as we have demonstrated here and as anyone objectively examining the data would have to conclude, is the district for the pilot program that would most likely make the biggest difference.

Distressingly, the knowledgeable, politically aware, and connected people who unanimously believe that the 12th District is the obvious choice, were just as unanimous in their belief that the 12th would not be chosen -- specifically because it might have the intended effect and make the difference it was designed to make. That is a sad commentary on the state of our State. But we're used to bucking conventional wisdom and the odds in the 12th District. We are optimists who believe that there is yet hope for our State and hope that politics need not always trump sound policy.

We implore you today to bolster our optimism. We count on the integrity of each of you as individuals and the Committee as a whole to make your decision based on the facts, and rise above the swirling political pressures that we all know are present in New Jersey politics. It's time for a new day in New Jersey. We hope to see a glimmer of that day's sunrise exhibited here by you today. We are not asking you to hand us an election; on the contrary, we're simply asking for the opportunity to participate in a fair and open one.

I thank you for your time, look forward to your decision, and happy to answer any questions.

CAROLINE CASAGRANDE, ESQ.: Good afternoon, and thank you very much for the opportunity to speak. Again, my name is Caroline Casagrande. I am the Republican candidate for the 12th District Assembly, along with Mr. O'Scanlon.

Just briefly, I'm not going to try to rehash everything that my running mates have so eloquently stated this afternoon. However, there are a couple things I'd like to point out. Number one, I think that any-- Look at District 12. Do you see District 12 as one of the fastest growing districts in the state? It's a district with issues that are specific to a place that has had the amount of construction and the number of commuters that we have in District 12. Any poll will show you that the issues which are important to our District 12 voters are tax reform, transportation, and land use.

From what we've seen earlier with Mr. O'Scanlon's charts and testimony -- we saw that over a million dollars in special interest money was funneled into District 12. I would respectfully suggest that that money had very little to do with the issues important to our voters. That money had

nothing to do with transportation, or land use, or tax reform. So unfortunately, I believe it's pretty obvious that our District 12 voters are not being given a fair opportunity to be represented, when that type of money is what's funneling the campaigns.

As Declan pointed out, corruption is a huge issue to the voters of District 12. Since 2003 in Monmouth County, we've had over 18 local elected officials arrested on charges of corruption. When we speak to these citizens, it becomes very apparent that this is a group of people that have been shaken to their core in terms of having any faith or belief left in any form of government. We think that this would be a wonderfully positive step towards restoring some of our citizens' faith in government in District 12.

Also in District 12, we've read in the paper that the Democratic candidates support this program. The Republican candidates stand before you today and request that we be given the opportunity, as well, to focus on the issues that are important to the people of District 12. As a young woman, as a lifelong New Jerseyan who is very excited at the opportunity to potentially serve our State, the idea of starting any race with the ability to focus exclusively on the issues and concerns of the people of District 12 is a thrilling possibility.

As Declan implored us earlier, and as-- I was recently reading Bill Bradley's new book, the *New American Story*, in which he stated that too many politicians just want to get reelected, not change the world. And in this book, he pointed out that this leads to politicians putting their parties ahead of their citizens and not speaking from their core convictions.

I'd ask you to look at the evidence that was presented to you today. I think it's pretty crystal clear that the 12th is the most competitive district in the state. The numbers tell the story. I think it's also equally clear that the funding in District 12 has some pretty severe disparities, and disparities caused by special interest funding. So I would ask you to look at this evidence and make the right decision for the citizens of New Jersey today.

And I thank you for your time.

GOVERNOR FLORIO: Thank you very much, and I appreciate the presentation.

I trust this will make you happy to know that there's bipartisan support for your position. We received a communication from Assemblyman Panter and Amy Mallet, who must be his running mate -- and they've asked that they put this into the record, which we'll do -- reinforcing your position that the 12th should be designated as the appropriate commission.

So we thank you very much.

Are there any questions? (no response)

If not, we thank you very much.

ASSEMBLYWOMAN BECK: Thank you.

GOVERNOR FLORIO: We now have Assemblyman Doherty, who is here. We're pleased to have him from the 23rd Legislative District.

A S S E M B L Y M A N M I C H A E L J. D O H E R T Y: Thank you very much, Governor, and members of the Committee. I appreciate the opportunity to testify here today. And I heard a lot of testimony today and I know people have different districts. Senator Schluter and I -- he

represented the 23rd before I did. Senator Leonard Lance is the Senator from the 23rd Legislative District.

And one thing I heard is that you can't run for office without having just a huge pot of money. And I'd like people to know -- potential candidates that are considering running for office -- that that's just not the case. If you look at a lot of districts around the State of New Jersey, it's the person who works hardest. We heard a lot about door-to-door campaigns. I'll use the 23rd as an example.

I moved to the 23rd Legislative District on August 1, 1998. I was running in a primary in '99, less than a year later. I didn't know anybody; I didn't have any money. But I did wear out a lot of pairs of shoes. I almost won that primary -- lost by 121 votes. The next year I did the same thing, but this time against a Democrat freeholder/director -- the freeholder/director of the Warren County Freeholder Board -- and was able to beat her, in the Fall -- very tough election -- where she out-raised me for money. So this idea that candidates can't run for office without having hundreds and hundreds of thousands of dollars, that's just not true. And anybody out there that wants to run for office, I would say, "Go for it." And if you work hard and you have the right issues, you're going to win.

I'm really troubled about the genesis of this legislation and how we're seeing it play out. I'm all for Clean Elections, just like Senator Schluter said, but there's some problems with this and how it's being carried out. When we voted on this bill, on March 14, I was really concerned that one of the prime sponsors, Assemblywoman Greenstein -- she was a prime sponsor -- she was in line to be a beneficiary of \$535,000 of \$1.5 million for her team, and \$3 million for the 14th Legislative District.

And I asked her, specifically; I said, “Do you think it’s a conflict for the prime sponsor of this bill to then receive \$1.5 million for their team?” And Assemblywoman Greenstein said, “Actually, I don’t think it is a conflict.” She later stated, when I asked her, “Well, what if your district was picked, the 14th?” -- she said, “I can’t see, frankly, a leadership choosing a district that would spend \$3 million.”

And that’s exactly what’s going to happen here today. This Committee may select the most expensive district in the State of New Jersey. Over \$3.4 million could potentially go to these candidates. And how am I going to respond to my constituents in my district, the 23rd Legislative District? The last time we had a senator and two assembly people running, both parties combined, in 2003, spent \$167,000. And now I’m supposed to tell my constituents that the taxpayers of the State of New Jersey are going to spend 20 times more, and this is a clean election? If we spent \$3.4 million last time on an unclean election, shouldn’t we be spending significantly less on a clean election?

I also wanted to note, Governor Florio and members of the Committee, this is a serious appearance of impropriety. That prime sponsors are in line to get this money -- people who were sponsors, who crafted the legislation, who voted on the legislation, and are now going to get \$3 million into their district. Legislative ethics Section II:9 clearly states, in part, “No member of the Legislature shall participate by voting in the enactment or defeat of legislation in which he has a personal interest.” We go far beyond this. Not only were votes made affirmatively for this, but they crafted the legislation, were the prime sponsors. So if we’re going to get off to a good start in New Jersey for Clean Elections, I think we ought to

do it the right way and we ought to follow the ethical codes of the Legislature, and we ought to not have an appearance of impropriety, and we ought to maybe think about having caps and spending less than we did last time in a so-called *dirty election*.

I thank you for the opportunity to testify, and I'll be happy to answer any questions.

GOVERNOR FLORIO: Thank you very much.

Are there any questions? (no response)

If not, we thank you for your participation.

We have -- and I apologize, I went out of order -- Amy Mallet is apparently here. Yes. You're the Assembly candidate for the Legislative District in the 12th.

A M Y M A L L E T: Thank you very much.

Members of this Committee, it is an honor to be here today to advocate for the 12th District for the 2007 Clean Elections program in this Fall's General Election.

The 2007 program offers us all a unique opportunity to see how publicly funded campaigns would affect a competitive race. My running mate, Assemblyman Mike Panter, and I sent a letter to Assembly Speaker Roberts last week, which all of the members of the Committee have, advocating for the Clean Elections program for the 12th District. Mike also submitted written testimony, and he regrets not being able to attend this meeting.

With special interests sidelined, the \$10 donations from district residents would empower more of our friends and our neighbors to participate in the Democratic process. It would eliminate special interests.

And it is my belief that the 12th District should really lead the way. The high costs of running a campaign makes it very difficult for women, minorities, and ordinary citizens to run for public office. It is no surprise that out of a total of 120 legislators there are only 23 women in office. New Jersey ranks 43rd in the percentage of women in the State House. Publicly funded campaigns throughout the state would level the playing field and create more opportunities for a diversified Legislature. Case in point is my own candidacy. I am not an incumbent, and I'm running in a competitive district.

The 2005 Assembly race was decided by just a handful of votes, as we know. Therefore, I need to spend countless hours being side-tracked by raising funds rather than meeting and getting my message out to the voters. A Clean Election would also serve as a great step forward towards instilling public confidence in our electoral system. I do believe that the 12th District can set the stage for the rest of our state.

And thank you so much for the opportunity to speak with you on this. Thank you.

GOVERNOR FLORIO: Thank you very much.

Are there any questions? (no response)

Hearing none, we thank you for your participation, as well.

MS. MALLET: Thank you.

GOVERNOR FLORIO: According to my sheet, the last witness is Jeff Tittel from the Sierra Club.

J E F F T I T T E L: Thank you.

Even though the Sierra Club is a PAC, we also have a 527 and we endorse candidates. We believe in public financing. And we strongly

support this Committee in going forward in doing its work, because we strongly believe that we'll never have a clean or safe environment without Clean Elections, that we will never have governmental reform without election reform. And so for us this is critical to go forward.

Our members -- and for people who don't know the club -- we have 24,000 members in New Jersey, and they're divided up into local groups. And they really run our organization. And we've been involved with Clean Elections in Maine and in Arizona as well. We have a lot of background in it as a key issue for the club. It's one of our national priorities -- is election reform -- as well as pay-to-play reform. For us, in getting our membership involved, we truly believe that the 14th District is a much better fit for citizen involvement. We've been active in both districts in the different elections over many years. And we know that with Hamilton and Monroe being both walkable, and with Monroe with so many active senior citizens, that it's a great place to empower more and more people. We've also been active in the 12th, and the 12th is much more sprawling and spread out. It's harder to get that type of synergy of volunteerism that we see so much in the 14th, with so many active people and active around so many issues. Not that the people in the 12th aren't active, it's just much more spread out and sprawling. And I think where you have high concentrations of people, more neighborhoods, more door-to-door activity -- you see that much more in the 14th.

We also believe that the 14th is a better district because it's right next to the State House and we can all watch it a lot easier. The Trenton press corps can actually go there -- many of them actually live there -- and they can be monitoring it. It's also in two media markets -- both in

the Philadelphia and the New York market -- while the western part of Monmouth County tends to be in more of a void area, where you only have really one major newspaper. Here you have always three major newspaper that cover the district.

So for us, we're glad this would go forward. We'd like to see it in the 14th also because there are no incumbents running against each other, that there are more open seats; and it's a better chance for us, organizationally, to be much more bipartisan than we would be in the 12th.

We also see, historically, that the 14th has had Democratic senators and Republican senators, and has gone back and forth a lot more often than in the 12th. That if you look at the long-term, 30-year history of that district, the 14th has been much more competitive and much more of a swing district.

So for us, we strongly believe that this program is critical, because we have to clean up the election system here and around the country. That for us, it's always been David versus Goliath -- that special interests have been the Goliath. You guys are the slingshot, and you can make the big difference by choosing a district and letting us go forward. And we hope in the future that we would have only a pilot district or two for so-called *dirty elections* -- that we would all be Clean Elections from this point forward. As we learn and go forward with how to do these elections better each time, as we improve the bills and we improve the process through having these pilots, hopefully one day all elections in New Jersey will be clean elections.

Thank you.

GOVERNOR FLORIO: Thank you very much.

Are there any questions? (no response)

If not, we thank you for your assistance today.

MR. TITTEL: Sure.

GOVERNOR FLORIO: I would, without objection-- The representative from the AARP apparently is unable to be here, but has submitted this statement advocating the selection of District 14. So we'll enter this, without objections into the record.

We have heard from the people who have requested the opportunity to speak to us before. I will, at this point, entertain any motions that the members may have.

MR. BYRNE: I make a motion, Governor.

GOVERNOR FLORIO: Certainly.

Jim Byrne.

MR. BYRNE: I would move that the panel select the 14th Legislative District.

GOVERNOR FLORIO: Is there a second?

MR. LENOX: I'll second that motion, Governor.

GOVERNOR FLORIO: Discussion on the motion?

Senator.

SENATOR SCHLUTER: I thought we might have discussion before the motion.

There have been a number of objections to the way this process has worked out. I would disagree, and now I'm getting a little bit off the basic subject. The basic subject of why we're here is to pick District 14 or District 12 -- that's the whole issue. But there's more to it than that, as alluded to by some of the speakers, including Assemblyman Baroni.

I don't subscribe to the fact that if this doesn't work this time it's all out the window. There are states, like Connecticut, who have embarked on a major reform issue on clean elections, on reducing campaign finance and expenditures, and substantial reform. I think, with people with vision and people who are basically interested in improving the system, we can make breakthroughs on this.

One of the criticisms of this bill -- and there have been a number. I talked to Governor's Council trying to get them to consider conditional vetoes and to improve it somewhat. One of the criticisms is that there is a partisan body that has formed to make this decision -- and you're looking at them.

Now, the same Committee is empowered in the legislation to rule on withdrawals; and withdrawals from a certified candidate are very, very important. And I would hope that the members of this Committee can vote based on the merit and based on the vision that they might have for this program. So that's why I say I had hoped that we would have discussion before the motion.

Now, the situation is very clear about these two districts. Both are split districts, both have had a lot of competitiveness, both are geographically diverse. And incidentally, geographical diversity is the only standard in the bill that was required to be considered in the selection of a district.

But let's look at the practical effect of this process. And I'm not getting political in being partisan; I'm getting political on the facts of life. We all understand elections, and there are a number of us who have been through legislative elections and know how they are coming about.

The number one target district in the State of New Jersey, I submit, is the 12th District -- is the Senator in the 12th District. And most political observers have said that is going to be the key battleground in New Jersey. Why, and why does that make a difference? Because, my friends on this Committee and the public, if District 14 is chosen, there will be tons of money poured into the 12th District for the Democratic candidates. It's as predictable as was the 4th District for the Senate race in 2003, and the 2nd District for the Assembly race in 2005. In 2005, the average spent in Atlantic County, the 2nd District, was \$1.2 million. In District 4, two years before in a Senate race, over \$4 million. Which party has the resources to do this?

At the April 15 reports of the different parties, the majority party in the Legislature has 3.4 times the resources that the minority party has. It doesn't take a rocket scientist to know where that money is going to go to win elections. And money can win elections in New Jersey. This is the unfortunate part of it, with mass television and all of the other devices.

I think we have an opportunity here, as a Committee, to strike a blow for reform. Reform in New Jersey is what everybody wants -- ethics reform. And we've seen too many programs of ethics reform -- such as dual office holding, such as pay-to-play, such as wheeling -- only get half-baked reform. No wonder the public is cynical. And when the public sees that this Committee picks District 14, where there are two people who will benefit who were on the original Clean Elections Commission, and who were on the A-100 bill that became the substitute and had so much, in my opinion, bad stuff in it, they're going to wonder, "Business as usual."

So I would urge my colleagues not to vote for District 14.

Bill Baroni is going to win his election if they-- I don't care if they poured \$5 million -- Bill Baroni is going to win his election. And Linda Greenstein is going to win her election. And this is conventional wisdom. But look at District 12. District 12 is going to be -- make District 4, of 2003, look like child's play. That's where the money is going to pour in, and it's going to be special interest money. It's going to be wheeled in there, and you can count on it. And these candidates who want to go clean are going to have a very, very tough time to deflect that.

So these are my comments, and I speak with some passion. I apologize, but I just don't (indiscernible).

GOVERNOR FLORIO: Thank you very much.

Are there other members of the Committee that decided to be heard? Anyone else?

Ms. Murphy.

ASSEMBLYWOMAN MURPHY: Yes. I would like to speak on this issue for a number of reasons. And both Steve and my friend, Senator Schluter, know what they are -- the time that we spent working on this.

I would like very much to see us take a district like 12-- We talked about the geography. District 12 goes right into Trenton. If you want to take an urban area, that piece is a pretty darn good example, I would think, of a real urban area in this state. Okay, we are not going to go to Newark on that one, and we can't go to Camden; but Trenton is a pretty good example of an urban area. And yet it goes to the sea, goes right down to the shore. Gee, it covers a lot of area, doesn't it? All the things that we specifically required in the bill that we drafted. Now, we did talk about

open primaries or having a primary contest. We can't do that this year; it's a little too late. But if we do a good job on opening a district like 12 to some real exposure of local people, door to door, working their hearts out on this and funding them for it, we may see what real people do in a real election.

Now, that's what the organizations that came and testified to us, so long at the first time, when we were working on this bill wanted. Jeff Tittel from the Sierra Club spoke passionately about helping out these districts and making sure they ran Clean Elections and the candidates were balanced in their financing.

We talked about that with the AARP people too. Oh, a number of the programs of the people who are committed to public activities were there and testified to these things. So I think 12 is a district that they would choose were they here, and hearing us speak about these districts today.

I applaud Bill Baroni and Linda Greenstein for really feeling passionate about this program. They gave a lot of time and effort and work to it. But they have seen it work, and worked it to some degree in their own areas, because 14 is a pretty hard-won district.

But 12 gives us an example of a district that has recently gone through some terrific trauma for the people who live there. They have had so many elected officials condemned, if you will, criticized, and defamed to some degree because of their lack of support for the public trust. And I think that's something that we all want to see come to an end in the State of New Jersey.

It's been a pretty rough couple of years for us. It's time we put an end to that. And I think a clean election in the 12th District would help to convey the message that we, as statespeople -- alive, statesmen (laughter) -- do feel we need to convey to the rest of the United States. New Jersey is not -- is not the least of the states. We have some terrific people, some terrific leaders, and we need to give people, ordinary people, the opportunity to make a contribution to that.

I'm going to digress just for a second to say that we're looking at a presidential campaign where \$10 checks are making an extraordinary impact on the political scene, if you will. Well, why can't we do that in the 12th District too? I think that we need to have that kind of competition there. I think it's time big money left, and I think it's time the people stood up and spoke. The only way it will happen is if they do. Sometimes people get so apathetic about this and say, "It's not going to make any difference." Well, I lost an election by one vote. I'm impressed by 73 and 100-and-some, but one was a real long night. But it wasn't the end of the world; there is a life after that, as you all know.

It's just that the 12th District brings to it more women running. We've talked about women and minorities. Well, there are more women running in that race; let's give them a chance. Let's get them out in the street and let's see what happens in that district. And let's explore the geography of that area. Let's give the 12th a chance. I think the 12th District is the district we should finance this year. And if we can do it well, wouldn't that be wonderful.

And I will tell you, to have a newspaper endorsing so fully-- The *Asbury Park Press* has not been a silent partner in this effort at all, and I

do think that having their support, and their constant watching on this and constant reporting on this, would give us the nonpartisan view that we all seek on how is Clean Elections working. Let them have an opportunity to take this apart and tell us, again, what we have right and what have we done wrong. Because I think the first time was a success; maybe not by some standards, but by the standards of those of us who were crafting, for the first time in New Jersey, a Clean Elections campaign.

There's a lot more than money that we have at stake in this race. We have the integrity of the people of the State of New Jersey. We have to have a clean election in a very tough district that has been dominated by money on one side. We need to get that money out of there and see what people think about the people who run.

Thank you very much.

GOVERNOR FLORIO: Thank you very much.

I would just observe, if there are no other comments (no response), that our mission today is fairly restricted. It is not to second-guess the virtues of this legislation. It is not to anticipate what potential outcomes are in elections. My good friend Senator Schluter, over the years, has a record in terms of forecasting elections -- in terms of his own elections, as well as other elections -- and I think he probably understands that it is not an easy thing to do. So our mission is not something about trying to anticipate every political outcome in these elections.

Our mission is very restricted -- to try to pick which of these two contending districts would best represent the effort to have a successful pilot project. I'm very impressed with the forthrightness of all the people who have testified. I think it's important to note that both contending

slates in each of the two districts have advocated that their district be the selected one. And that's something that's important.

I'm persuaded, in large measure, for coming down on the side of the 14th District by the fact of incumbency versus nonincumbency. We're trying to have a level playing field here. There's always been a very subjective evaluation as to what incumbency brings to the table, in terms of a plus or a minus, how you value you it. Obviously, being an incumbent may very well be helpful in terms of recognition. You also have a record which may or may not be helpful. So the fact that we have a nonincumbent race in the Senate and a nonincumbent race in the Assembly is persuasive to me in making a decision.

So at this point, if there are no further discussions, we've come to a vote. And all in favor of the resolution, as it stands, say aye. (ayes respond)

Opposed? (opposed respond)

GOVERNOR FLORIO: The ayes appear to have it.

And the ayes have it.

If there's no further business to come before the Commission, I would thank you all for your cooperation and participation, and the public as well.

So thank you very much.

(PUBLIC MEETING CONCLUDED)