

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

OCTOBER 5, 1983

PRESENT

Andrew C. Axtell, Chairman  
M. Robert DeCotiis, Member  
Haydn Proctor, Member  
Scott A. Weiner, Executive Director  
William R. Schmidt, Asst. Executive Director  
Gregory E. Nagy, Staff Counsel  
Edward J. Farrell, Counsel

ABSENT

Alexander P. Waugh, Jr., Member

Chairman Axtell called the meeting to order and announced that pursuant to the Open Public Meetings Law, P.L. 1975, c.231, annual notice of the meeting of the Commission, as amended, had been filed with the Secretary of State's office, and distributed to the entire State House Press Corps.

The meeting convened at 10:00 a.m. at the office of Commissioner M. Robert DeCotiis, 311 Molnar Drive, Elmwood Park, N.J.

1. Approval of Minutes of Public Session of Commission Meeting of September 19, 1983

On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 2-0, the Commission approved the minutes of the public session of September 19, 1983. (Commissioner Proctor did not vote because he did not attend the September 19, 1983 meeting.)

2. Meeting Schedule

The Commission decided to meet on Thursday, October 13, 1983 at 10:30 a.m. in Trenton.

3. Advisory Opinion 13-1983

The Commission reviewed a two-page September 15, 1983 advisory opinion request from Assemblyman Jimmy Zangari along with four attachments concerning the "Jimmy Zangari Testimonial". The Commission also reviewed a four-page October 4 draft advisory opinion prepared by Staff Counsel Nagy. Assemblyman Zangari asked whether the Committee organizing the "Jimmy Zangari Testimonial" for October 12, 1983, would have to file disclosure reports.

Commissioner DeCotiis asked about the proposed use of the funds to purchase an automobile for Assemblyman Zangari. Mr. Weiner said that if the testimonial were being held outside of the campaign season then the receipts and disbursements of the testimonial would not have to be reported and the donation of the car to Assemblyman Zangari would be of no interest to the Commission. He noted, however, that there is a convergence of events with both the testimonial and a campaign fund raising event being held the same evening in the same restaurant, even if in different rooms. Mr. Farrell noted that the two events are too closely tied to the campaign and thus the

testimonial event becomes reportable, but not necessarily campaign-related. Mr. Farrell said, in his judgment, the Commission should require the testimonial to be reported to protect public confidence in the integrity of the election process.

The Commission discussed amending the draft advisory opinion to include a note that the Commission has not determined that the funds raised should be considered campaign funds but an eventual use for campaign purpose would change the character of the funds and raise questions of possible personal use if the gift was bought from the funds.

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission approved the draft advisory opinion as amended for release.

4. Advisory Opinion 14-1983

The Commission reviewed a one-page September 14, 1983 letter from Ray Staley who asked whether a campaign committee may hire casino buses to raise funds, given the fact that the casinos usually refund a portion of the money spent in money or with the coupons for food or services. The Commission then reviewed a two-page October 4, 1983 draft advisory opinion prepared by Staff Counsel Nagy. On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the draft advisory opinion for release.

5. Pending Legislation

Mr. Weiner reported that the bill to clarify the permissible uses of excess campaign funds and to require the disclosure of receipts for office accounts by incumbents had been approved by the New Jersey Senate last year and had been cleared by the Assembly State Government Committee. He reported, however, that the bill was not being released by the Assembly leadership for a vote. Mr. Weiner recommended that the Commission correspond with the Republican and Democratic leadership in the Assembly and express its concern about the failure of the Assembly to act on the bill. Mr. Weiner noted the importance of the issue in light of the upcoming election. On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission decided to send a letter, to be signed by all four Commissioners, to the Assembly leadership.

6. 25 Day Pre-Election Report Filing Night

Mr. Weiner said that the 25 day reports are due on Friday, October 14. He said the staff will be working that Friday evening, Saturday and Sunday to have the files open for the public by Monday, October 17, at noon. He noted that the Commission has a regularly scheduled meeting for that date and suggested that the Commission reschedule that meeting. The

Commissioners agreed to do so at their special meeting on Thursday, October 13, 1983. Mr. Weiner also advised the Commission that there had been serious problems with the computers but that most, if not all, of the serious problems are now resolved. He said if the problems had not been resolved, it might have been difficult for the staff to administer the election and a manual system might have been required. He also reported that there has been a great deal of interest in the Commission's report on the 1981 legislative election and that similar interest has already been expressed in the 1983 legislative election. He said, as a result, the staff will be preparing a report on contributions from PACs to legislative candidates and a report on all types of contributions to legislative candidates with the reports to be prepared and released before the election. He noted that this would be the first time the Commission was able to prepare such reports.

7. Executive Director's Report

Mr. Weiner reported on the conference held in Albany on September 25 through September 27. The conference, hosted by the Federal Election Commission and the New York State Board of Elections, was an excellent conference. Mr. Weiner also noted that the Northeast Conference on Lobbying is being held in Newark on Thursday, October 27.

The Chairman requested that the minutes reflect that he had approved an expense voucher for the Executive Director in the amount of \$243.60 for expenses pertaining to the Federal Election Commission Conference.

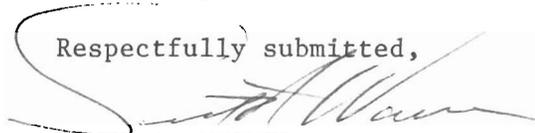
8. Executive Session

On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 3-0, the Commission voted to go into executive session to review the executive session minutes of September 19, 1983 and to discuss enforcement actions and investigative matters, the results of which will be made public at their conclusion.

9. Adjournment

On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 3-0, the Commission voted to adjourn.

Respectfully submitted,



SCOTT A. WEINER  
Executive Director