

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

JUNE 4, 1986

Present

Andrew C. Axtell, Chairman  
Alexander P. Waugh, Jr., Vice Chairman  
Haydn Proctor, Member  
Owen McNany, III, Member  
Frederick M. Herrmann, Executive Director  
Jeffrey M. Brindle, Deputy Director  
Gregory E. Nagy, Staff Counsel  
Edward J. Farrell, General Counsel

Chairman Axtell called the meeting to order and announced that pursuant to the "Open Public Meetings Act," P.L. 1974, c. 231, special notice of the meeting of the Commission had been filed with the Secretary of State's office and distributed to the entire State House press corps.

The meeting convened at 11:31 a.m. at the Maplewood Municipal Building, Maplewood, New Jersey.

1. Executive Director's Report

a. ELEC Budget - Executive Director Herrmann reported that a budget resolution has been introduced in the Senate which would provide an additional \$50,000 to the Commission to establish the positions of personnel and fiscal officers. An Assembly budget resolution has also been introduced which would provide \$110,000 to the Commission. This money would fund the positions of Director of Administration and fiscal bookkeeper as well as the positions of personnel and fiscal officers. Executive Director Herrmann told the Commission that the Department of Law and Public Safety has agreed to provide a loaner position for the fiscal bookkeeping job until a permanent position in ELEC is established.

b. Initiative and Referendum Legislation - Executive Director Herrmann stated that two bills relative to initiative and referendum were released from the Assembly State Government Committee on May 22, 1986. The Executive Director revealed that A-1028 (Zimmer) includes disclosure provisions for reporting after a \$1,000 threshold is reached, starting in the petition circulation phase. He said that another provision in the bill requires persons or entities contributing or spending more than \$5,000 on behalf of an initiative or referendum to file special 11-day pre-election reports with the Commission. In addition, said Executive Director Herrmann, the bill requires ELEC to prepare and make public a report of the names of all individuals, groups, partnerships, corporations, and associations which filed the special 11-day pre-election reports. The ELEC report shall identify the proposed constitutional amendment, law or public question and the amount contributed or expended by the respective reporting entity. ELEC must provide this information by the 5th day preceding the election, instead of by the 7th day preceding the election as originally envisioned in the law. Executive Director Herrmann stated that he was successful in accomplishing this change as well as the change in the law which

relieves ELEC of the burden of technically reviewing the questions and the written interpretive statements on the circulated petitions.

The Executive Director also reported that as the result of his efforts, ELEC is no longer responsible in A-1029 (Zimmer) for writing fiscal statements or for choosing which statements for and against the bill should be published in the voter information pamphlet for public questions. The Executive Director also reported that Senator Lipman is opposed to the legislation, as well as South Jersey representatives, and that it is his sense that it will probably not become law.

c. Administration Report - Executive Director Herrmann indicated that the reception area has been beautifully refurbished. He also said that the annual report received praise from as far away as Canada and the state of Washington. He said that the report gives the Commission very positive exposure.

The Executive Director also said that the Commission would soon be acquiring computer software that will allow it to track legislation early and keep current on all matters concerning the Legislature and the Governor. He also reported that the Commission would soon get on line with respect to the treasury fiscal data computer system.

Executive Director Herrmann next reported that filing night organization has improved tremendously under Director of Compliance and Information Evelyn Green. He said that staff is now setting records for completing filing night activities in a timely fashion. Because preparations were made early, staff was able to leave by 9:00 p.m. on the 29-day preelection filing night. In the past, filing nights often lasted until after midnight, with further overtime required for many of the days to follow.

d. National and Regional Activities - Executive Director Herrmann reminded the Commissioners that he was the East Coast Chairman of the COGEL Membership Drive. He said that the membership drive, assisted greatly by Staff Counsel Nagy, was very successful. The Executive Director told the Commissioners that he had received 6 responses of "yes", and 36 responses of "maybe." He added that at least two new states had joined and that there were 60 associate membership possibilities. Executive Director Herrmann said that the efforts of the Commission have already been complimented by the National staff of COGEL.

In a related matter, Executive Director Herrmann said that he is heavily involved in helping to plan the Northeast Regional Conference on lobbying. He said that the conference will be held on the 12th or 13th of August in Baltimore, Maryland.

e. Other - Executive Director Herrmann reported that he attended a one-day affirmative action training program in Atlantic City on June 3, 1986. He also told the Commission that he has jury duty the week of the 9th of June.

f. Future Meetings - The Executive Director informed the Commissioners that the next scheduled meeting of the Commission is on June 24, 1986 in Interlaken at 11 a.m.

The Commission cancelled that meeting and rescheduled it for July 16, 1986 in Interlaken.

2. Approval of Public Session Minutes of May 6, 1986

Deviating from the order of business as outlined in the agenda, the Commission, on a motion by Commissioner Proctor, seconded by Commissioner McNany, and a vote of 4-0, approved the public session minutes of May 6, 1986.

3. Approval of Auditor for General Election Campaign Committees

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor, the Commission voted 4-0 to approve the selection of Farida Maneckshana, C.P.A., P.A., as the Public Financing Program auditor for the gubernatorial general election.

4. Public Financing Report

The Commission undertook a general discussion of the proposed public financing report. Vice Chairman Waugh indicated that he would provide suggested technical changes to the report. General Counsel Farrell asked about the proposal which would repeal the State committee special gubernatorial account provision. Executive Herrmann replied that the Commission has consistently recommended the repeal of this provision because it is impractical and unwieldy and has never been used.

The Commission directed the staff to continue to complete the report but reserved final approval until the July 16, 1986 meeting.

5. Executive Session

On a motion by Vice Chairman Waugh, seconded by Commissioner McNany and a vote of 4-0, the Commission voted to go into executive session to discuss investigative, enforcement, and personnel matters, the result of which will be made public at their conclusion.

6. Adjournment

On a motion by Commissioner McNany, seconded by Vice Chairman Waugh and a vote of 4-0, the Commission voted to adjourn at 12:56 p.m.

Respectfully submitted,



FREDERICK M. HERRMANN