

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

April 2, 1980

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
Herbert Wolfe, Assistant Executive Director
*Gregory E. Nagy, Staff Counsel

* Mr. Nagy did not participate and was not present for Item #1, the executive session.

The chairman called the meeting to order and announced that pursuant to the Open Public Meetings Law, P. L. 1975, c.231, annual notice of the meetings of the Commission, as amended, has been filed with the Secretary of State's office, and that copies have been posted in the State House Annex, and mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House press corps.

The meeting convened at 10:15 a.m.

1. Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss 1978 and 1979 enforcement cases, the executive session minutes of the Commission meeting of March 19, 1980 and current litigation. At the conclusion of the discussions the Commission returned to public session on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0.

2. Minutes of Public Session of Commission Meeting of March 19, 1980

On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0, the Commission approved the minutes of the above-cited Commission meeting.

3. Public Indication of Commission Enforcement Determinations in Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission indicated that the Commission determinations made in executive session at the Commission meeting of March 19, 1980 (indicated in the news release summary sheets attached to these minutes) be made public.

4. Advisory Opinion Procedure

The Commission reviewed its procedure regarding answering advisory opinion requests. It was agreed that the procedure would be modified to provide that for those advisory opinions which did not raise substantially new questions which had not been

previously determined by the Commission that the general legal counsel will draft an advisory opinion and, after review by the chairman and executive director, the opinion will be forwarded to the person who made the request. Advisory opinion requests which deal with subject areas on which the Commission has not previously made determinations will continue to be considered and determined by the full Commission.

5. Advisory Opinion Requests

The Commission agreed upon advisory opinions in response to the following requests:

- 0-08-80, Alfred M. Ortenzi - Permissible use of surplus campaign funds
- 0-09-89, Eugene A. Iadanza - Reporting obligations of certain political committees
- 0-10-80, Harold J. Ruvoldt, Jr. - Filing obligations of N. J. State Interscholastic Association
- 0-11-80, Florence McGorman - Filing obligations of North Arlington Women's Republican Club
- 0-12-80, Louis M. Holland, Esq. - Reporting of certain legal expenses
- 0-13-80, Frank DeLello - Reporting obligations of testimonial affair for Senator Wayne Dumont
- 0-14-80, Noah Bronkesh, Esq. - When campaign reports are due for 1981 primary election campaign
- 0-15-80, Peter P. Curtin, Jr., - Reporting obligations of Democratic State Committee re delegate selection/affirmative action plan
- 0-16-80, Assemblyman John Paoletta - Is a contribution of office space for a legislative office reportable under the Act?
- 0-17-80, Edward M. Lewis - Disposition of remaining funds of Committee to Re-elect Assemblyman Kozlowski
- 0-18-80, Frederick J. Dennehy, Esq. - Can Democratic State Committee pay certain obligations of Brendan Byrne Inaugural Committee?

6. Reporting Obligations of Delegates and Alternate Delegates to National Political Party Presidential Nominating Conventions

The Commission reviewed this subject, including the Commission determination in 1976 that delegate and alternate delegate candidates had no obligations to file reports under the N. J. Campaign Contributions and Expenditures Reporting Act because the N. J. statutory provisions were pre-empted by Federal provisions governing filing and reporting obligations of such candidates. In response to the Commission's request at that time, the Federal Election Commission issued a policy statement to that effect and the N.J. Attorney General's office concurred with that determination.

The Commission concluded that the facts and circumstances for 1980 delegate and alternate delegate candidates is essentially the same as that which existed in 1976 and, therefore, the Commission reached the same conclusion for 1980 that delegate and alternate delegate candidates do not have obligations to report under the N. J. Campaign Contributions and Expenditures Reporting Act.

7. Review of Procedures Re Contested Cases with Office of Administrative Law

Staff counsel reported that the Office of Administrative Law has now indicated that the parties have only 10 days, instead of 20 "working" days, to file exceptions to the initial decisions of administrative law judges. This will have the effect of giving the Commission approximately several weeks of additional time to schedule and consider these enforcement cases for final determination and will preclude the necessity in most cases for the Commission to request an extension of the 45 day time period in which its decisions must be rendered.

8. Commission Public Hearing on Proposed Regulations Re Reporting By Lobbyists

The Commission agreed to invite 2 persons from other jurisdictions (California and Minnesota) which have had substantial experience in lobbyist regulation to participate in the Commission's public hearing on the proposed regulation governing financial reporting by a lobbyist which is scheduled for April 25, 1980. Testimony of these representatives will assist the Commission by setting forth significant state experience in other appropriate jurisdictions in determining its final regulations. The Commission indicated that it would pay the permissible expenses of these individuals coming to New Jersey for such testimony.

9. Report on Legislation

The executive director reported that the omnibus bill to amend the Campaign Contributions and Expenditures Reporting Act, prepared by the Commission, had been forwarded to Assemblyman Albert Burstein for his introduction in the Legislature. This bill is similar to the bill sponsored by Assemblyman Burstein last year but has been revised somewhat. The executive director also indicated that to date no bill to provide for public financing, contributions limits, or expenditure limits or any combination of them for the gubernatorial primary election had been introduced in the 1980 session of the Legislature.

10. Review of Statutes, Regulations and Procedures Re 1981 Gubernatorial Primary and General Elections

The executive director reviewed with the Commission the statutes, regulations and procedures which would apply under current law for the 1981 Gubernatorial Primary and General Elections.

Included were considerations of staff needs, budget needs and the needs for auditing.

11. Adjournment - The Commission adjourned the meeting at 2:30 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cm