

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

September 17, 1980

*PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
William Schmidt, Assistant Executive Director
Gregory E. Nagy, Staff Counsel
*M. Robert DeCotiis, Commission nominee, attended as an observer.

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 10:10 a.m.

1. Public Hearing on Commission Interim Regulations Re Public Financing of Gubernatorial Primary Elections

The Commission heard testimony from Richard McGlynn, Esq., former member of the Board of Public Utilities, and prospective Republican candidate for Governor, the Honorable Thomas F. X. Smith, Mayor of Jersey City, and Democratic candidate for Governor, Robert Maida, Treasurer of Friends of Joe Merlino, and Henry Ramer, Treasurer of Friends of Pat Kramer.

Mr. McGlynn indicated that he has already returned the excess amounts of any contributions from any one source over \$800. He expressed concern that it is too much burden on the campaigns to require the candidate's signature and copies of both sides of a check in evidence of contributions for matching with public funds. Mayor Smith indicated he will notify the Commission by October 15 of his intention to seek public funds and will return the excess amounts over \$800 already collected. He indicated he will also shortly file his campaign bank account with the Commission. Among other points, Mayor Smith indicated that he hoped the regulations would be more specific in regard to certain matters, raised question concerning the use of funds raised for other offices, particularly Federal office, whether fund raising costs already incurred count as gubernatorial expenditures, the status of interest accumulated on contributions and permissible uses of it, and the mechanics of transfer of monies already raised to the clearing bank account. He indicated his opposition to the requirement of the regulations that both sides of checks be copied and further indicated that it will be extremely difficult to obtain checks deposited within the last 2 years to meet the regulations requirements. He characterized this as unfair. He suggested a convocation of all

candidates or their representatives regarding the ground rules for the primary election for Governor. Among the questions raised by Mr. Maida were whether a computerized list of contributors could be submitted as a supplement to report forms which would be required, whether banks could be required to copy all checks and whether funds spent from private contributions for media and other permissible uses of public funds prior to a candidate obtaining public funds could be reimbursed with public funds. Mr. Ramer indicated that there will be problems in obtaining copies of checks previously deposited and knowing precisely when contributions previously received were received. He also raised the question about Section 8.10 re designation of depositories with the Commission approval.

The public hearing was completed at 10:50 a.m.

2. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss the executive session minutes of the Commission meeting of September 3, 1980 and pending litigation. Upon completion of discussion of these matters, the Commission returned to public session on a motion by Chairman Goldman, seconded by Commissioner Margetts and a vote of 3-0.

3. Adoption of Comprehensive Regulations Re Public Financing of Gubernatorial Primary Elections

The Commission discussed a draft of these regulations in detail and made several relatively minor modifications. On a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0, the Commission adopted the modified draft as proposed regulations for publication in the October edition of the New Jersey Register and set a date of October 15 for a public hearing to be held on the proposed regulations.

4. Approval of Public Session of Minutes of Commission Meeting of September 3, 1980

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

5. Public Indication of Executive Session Action from the Commission Meeting of September 3, 1980

On a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0, the Commission approved the determinations previously made by the Commission in executive session on September 3, 1980.

6. Adjournment - The Commission adjourned the meeting at 3:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director