

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

March 9, 1981

PRESENT

Sidney Goldman, Chairman
Andrew Axtell, Member
M. Robert DeCotiis, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, General Legal Counsel
William R. Schmidt, Assistant Executive Director
Gregory E. Nagy, Staff Counsel

ABSENT

Josephine S. Margetts, Member

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 10:05 a.m.

1. Approval of Minutes of Public Session of Meeting of February 23, 1981

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

2. Review of Current Legislation

The executive director reported on the status of current legislation of interest to the Commission. This included legislation to appropriate money for public financing of the 1981 gubernatorial primary election, to provide for a run-off election for the gubernatorial primary campaign, an open primary system for ballot placement for such candidates, and legislation to increase the threshold for qualifying for public matching funds for gubernatorial primary election candidates from \$50,000 to \$150,000.

3. Executive Session

On a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to review compliance matters relative to the gubernatorial primary election. At the conclusion of the executive session, the Commission returned to public session on a motion by Chairman Goldman, seconded by Commissioner DeCotiis and a vote of 3-0.

4. Certification of Public Funds to Gubernatorial Primary Election Candidates

The Commission reviewed the staff summary of contributions data submitted by gubernatorial primary election candidates and staff recommendations for a second certification to certain candidates. On a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 3-0, the Commission certified a total of \$162,692 in public matching funds, as follows:

William J. Hamilton (D)	\$(1,800.00)*
Lawrence Kramer (R)	124,792.00
Joseph P. Merlino (D)	39,700.00

*This reduction represents an arithmetic adjustment to the first submission.

5. Discussion of Policy Re Reporting of Certain Expenditures and Contributions in Gubernatorial Primary Elections

The Commission discussed a number of questions relating to the valuing of contributions for and the reporting of contributions and expenditures to certain kinds of fund raising affairs, including musical events. The Commission also discussed the need to have all candidates for Governor report all contributions, including those of \$100 and under, to the Commission so that the Commission can adequately monitor such contributions data for adherence to the \$800 contribution limit. The names of contributors of \$100 and under would have to be disclosed to the Commission but would not be made public. The Commission agreed that such would be required, regardless of whether a candidate applies for and receives public funds or not.

The Commission reviewed several questions relating to multiple committees and multiple bank accounts of committees for candidates for Governor. The Commission concluded that, aside from public matching funds and clearing bank accounts for candidates receiving public funds, gubernatorial candidates should have one bank account through which all campaign financial activity should be conducted. It also concluded that committees or groups which employ a separate bank account or represent that certain activity is paid for by that group or committee, will be considered a separate political committee and limited to contributing or expending no more than \$800 on behalf of the candidate in question.

6. Advisory Opinion Request

0-07-81, James D. Checki, Jr., Esq. for Roe for Governor Committee

The Commission reviewed this advisory opinion, which concerns an interpretation of N.J.S.A. 19:34-38.1 requiring a disclaimer on certain printed matter for election campaigns. The Commission concluded that the subject area of the advisory opinion request was outside the Commission's jurisdiction and directed counsel to so inform Mr. Checki and direct him to the Attorney General's office for assistance.

0-06-81, William A. Cambria, Esq.

The Commission reviewed Mr. Cambria's advisory opinion request which concerns whether certain kinds of campaign activity may be paid for with public funds. The request deals primarily with the use of computer services, the preparing and mailing of campaign

literature and expenditures for certain telephone costs. The Commission agreed upon an advisory opinion request and directed counsel to forward same to Mr. Cambria.

7. 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 current litigation, approve the minutes of the executive session of the Commission meeting of February 23, 1981, make enforcement determinations in 19 cases involving 1980 elections, and consider a matter of current investigation. At the conclusion of these matters, the Commission went into public session on a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 3-0.

8. Proposed Amendment to ELEC Lobbyist Regulations

On a motion by Chairman Goldmann, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission agreed on a proposed amendment to N.J.A.C. 19:25-8.6(a)(6)(iii) which has the effect of requiring lobbyists to make payments or organization dues to a membership organization but only report such expenditures and itemize them if they are (1) for the express purpose of lobbying or (2) made to a person or organization whose "major purpose" is to engage in lobbying activity. The proposed regulations will be advertised in the New Jersey Register, as required by the Administrative Procedure Act.

9. Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission went into executive session to discuss compliance and litigation matters relating to lobbyist reporting. At the conclusion of the discussion, the Commission returned to public session on a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0.

10. Adjournment - The Commission adjourned the meeting at 1:30 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director