

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

August 17 1981

PRESENT

ABSENT

Josephine S. Margetts, Vice Chairman
Andrew C. Axtell, Member
M. Robert DeCotiis, Member
Scott A. Weiner, Executive Director
William R. Schmidt, Assistant Executive Director
Edward J. Farrell, General Legal Counsel

Sidney Goldmann, Chairman
Gregory E. Nagy, Staff Counsel

The Vice 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 11:05 a.m. at the offices of Farrell, Curtis Carlin & Davidson, 43 Maple Street, Morristown, N. J. 07960.

1. Approval of Minutes of Public Session of Commission Meeting of August 3, 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. Report on the Status of the Lobbyist Regulations

The Executive Director reported that the staff met on Wednesday, August 5, 1981 to review a working draft of the lobbyist regulations. Those who attended the meeting were Messrs. Weiner, Schmidt, Nagy and Farrell and Ms. Pollock. The Executive Director reported that the staff would again meet on Monday afternoon, August 17 to review the first revision of the draft regulations.

The Executive Director reviewed the timetable for adoption of the lobbyist regulations and pointed out that the public hearing on the proposed regulations would have to be held somewhere between the period of October 26 through November 12, i.e. immediately before or immediately after the date of the General Election, November 3. The Executive Director reported that the working draft of the regulations would be completed in the next two to three days and submitted to the Commission for its review prior to its next meeting on August 31.

3. The Certification of Public Matching Funds

The Assistant Executive Director reported that James J. Florio for Governor, Inc. had submitted \$250,185.00 in contributions for matching with public funds. After deducting \$50,000.00 for the contribution threshold, the Assistant Executive Director recommended the Commission certify \$200,185.00. On a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 3-0, the Commission certified \$200,185.00 for James J. Florio for Governor, Inc., representing one-half of the amount for which the Florio

Campaign Committee was eligible based on its first submission, on the condition that the Florio campaign submit documentation, satisfactory to the Executive Director, that the Florio Campaign Committee had spent or had committed to be spent \$50,000.00.

The Assistant Executive Director reported that a recommendation would be made to the Commission at its next meeting to certify the remainder of the public matching funds for the first submission from the Florio Campaign Committee.

4. Allocation of Expenditures by a Legislative Campaign Committee to a Gubernatorial Campaign

The Executive Director distributed a copy of a mechanical for campaign literature prepared by a campaign committee on behalf of legislative candidates for the State Assembly and State Senate. On the last page of a six page brochure, the position of Governor and the name of the party candidate for Governor was listed along with the position and candidates for Sheriff and three Freeholder positions. The Commission considered its July 23, 1981 advisory opinion addressed to E. Allen Nickerson and Roger Bodman (AO 33-81) and based on the facts of the Legislative Campaign Committee literature before it, concluded that the literature in question represented an "extraordinary circumstance" and that the allocation to the gubernatorial candidate should not be 25%. The Commission noted the following specific facts: the position of Governor and the name of the gubernatorial candidate were mentioned only once whereas the legislative candidates were mentioned at least seven times; the size and prominence of type for the legislative candidates was much larger than that used for the gubernatorial candidate; and pictures of the legislative candidates were included whereas there is no picture of the gubernatorial candidate.

On a motion by Commissioner Axtell, seconded by Vice Chairman Margetts and a vote of 3-0, the Commission voted to allocate 5% of the cost of producing, mailing and otherwise distributing the campaign literature before it. The Commission directed the General Counsel to advise both gubernatorial campaigns of the decision if the campaign literature in question has been released publicly by the legislative candidates on whose behalf the literature was prepared.

5. Executive Session

On a motion by Vice Chairman Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session at 11:45 a.m. to discuss the executive session minutes of the Commission meeting of August 3, 1981, investigations, and enforcement actions.

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6. Adjournment - The Commission adjourned the meeting at 12:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott A. Weiner", written in black ink on a light-colored background.

SCOTT A. WEINER,
Executive Director

SAW/cm