

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

September 8, 1981

PRESENT

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

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 filed 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 10:20 a.m.

1. Approval of Minutes of Public Session of Commission Meeting of August 31, 1981

The Commission agreed with the suggestion by Commissioner Margetts that the last sentence on page five beginning with the word "following" and ending with the word "party" on page six be divided into two or more sentences for sake of clarity. On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved the minutes as amended, of the public session of the above-cited meeting.

2. Certification of Public Matching Funds

The Commission reviewed a staff memorandum and on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 4-0, certified \$133,182.00 in public matching funds for general election gubernatorial candidate James J. Florio (D).

This amount represents the remainder of the public funds to which James J. Florio for Governor, Inc. is eligible for its second submission, dated August 31, 1981.

3. Proposed Lobbyist Regulations

The Commission reviewed the revised draft of proposed regulations under the lobbying act. The following are the sections that the Commission discussed:

- page two, section 8.2(e): General Counsel Farrell explained that it was desirable to capitalize the words "Direct Communication" because they paraphrase a lengthier set of words, namely "direct, express and intentional communication with legislators or the governor of his staff undertaken for the specific purpose of affecting legislation".
- page five, section 8.2(k), last paragraph, line nine: Chairman Goldmann suggested that the reference to "subsection (n)" should be "subsection (m)". General Counsel Farrell advised that the Office of Administrative Law, in its new format, does not permit the lettering of subsections. Therefore, in this particular case, the words "in subsection (n)" will be deleted from the draft regulations before going to printing and all similar references in other parts of the regulations will also be deleted.
- page seven, section 8.3(a)1.: The Commission agreed to delete the words "or port" on the last line on page seven because the words are extraneous.
- page 15, section 8.7(b)(6): It was agreed to correct a typographical error by adding the word "staff" after the word "his" on the first line of this section.
- page 16, section 8.9(c): It was agreed to delete the words "of this subsection" from the second line of this section.
- page 17, section 8.9(c)2.: It was suggested that the words "or staff member" be added after the words "the name of such legislator or governor" on line five of this section. General Counsel Farrell pointed out that the addition of those words might create a loop-hole and might conflict with paragraph number four on page 17 which states in part "... such expenditures made on behalf of staff and assistants assigned to a legislator or the governor...".

On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved the revised lobbyist regulations.

The Executive Director advised the Commission that the public hearing for the lobbyist regulations has been scheduled for Wednesday, October 28, 1981. He said he planned to send the regulations to the following three groups: the witnesses who testified at the last hearing;

those who sent in statements on the regulations; and the legislative leadership. Furthermore, the Executive Director said that he will send a memorandum to all lobbyists registered with the Attorney General and to political party organizations including the Republican and Democratic state committees and the county political party committees.

4. Meeting Schedule

The Commission agreed to reschedule its September 21 meeting for Tuesday, September 22 at 10:30 a.m.

5. Executive Session

On a motion by Chairman Goldman, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission went into executive session to meet with former executive director, Lewis B. Thurston, III, to discuss the executive session minutes of the Commission meeting of August 31, 1981, and to discuss investigations and enforcement actions.

6. Advisory Opinion Requests

The Commission discussed an advisory opinion request (0-39-81) received on September 4, 1981 from Stuart D. Gavzy, Finance Director, New Jersey Republican State Committee. In his request, Mr. Gavzy asked the Commission what percentage, if any, of the Republican State Committee expenditures relating to a direct mail campaign would be allocated to the gubernatorial candidate. Along with his advisory opinion request, Mr. Gavzy appended a proposed letter.

The Commission reviewed the text of the proposed letter in detail and agreed that none of it at all would be allocable to the Republican gubernatorial candidate.

The Commission then reviewed an advisory opinion request from Richard C. McDonnough, Esq., Counsel to the New Jersey Food Council Committee for Good Government (CFGG) (0-26-81). The Commission reviewed a proposed advisory opinion drafted by Staff Counsel and factual information on contributions by corporations to the CFGG and contributions by the same corporations to gubernatorial primary candidates. On a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 4-0, the Commission approved the draft advisory opinion.

7. Adjournment - The Commission adjourned the meeting at 12:40 p.m.

Respectfully submitted,



SCOTT A. WEINER
Executive Director