

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

NOVEMBER 15, 1983

PRESENT

Andrew C. Axtell, Chairman
M. Robert DeCotiis, Member
Haydn Proctor, Member
Alexander P. Waugh, Jr., Member
Scott A. Weiner, Executive Director
William R. Schmidt, Asst. Executive Director
Gregory E. Nagy, Staff Counsel
Edward J. Farrell, Counsel

Chairman Axtell called the meeting to order and announced that pursuant to the Open Public Meetings Law, P.L. 1975, c.231, special notice of the meeting of the Commission had been filed with the Secretary of State's office, and distributed to the entire State House press corps.

The meeting convened at 10:10 a.m. at the office of Commissioner Waugh, One Palmer Square, Princeton, N. J. 08540.

1. Election of New Vice Chairman

Commissioner DeCotiis requested that he be relieved of the Vice Chairmanship of the Commission. On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 4-0, the Commission elected Commissioner Waugh as Vice Chairman.

2. Approval of Minutes of Public Session of the October 13, 1983 Commission Meeting

The Commissioners reviewed the minutes, which were distributed at the meeting, and on a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 3-0, approved the minutes of the public session of October 13, 1983. (Commissioner Waugh did not vote because he did not attend the October 13, 1983 meeting.)

3. Approval of Minutes of the Public Session of the October 26, 1983 Commission Meeting

The Commissioners reviewed the public session minutes which were distributed at the meeting, and on a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 4-0, approved the minutes of the public session of October 26, 1983.

4. Opinion and Order in the Matter of Senator Gerald Cardinale

Chairman Axtell and Commissioner DeCotiis reviewed a ten-page November 10, 1983 draft Opinion and Order in the matter of: Senator Gerald Cardinale, prepared by General Legal Counsel Farrell. Mr. Farrell and Staff Counsel Nagy suggested changes on pages 3 and 8. On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 2-0 (with

Commissioners Waugh and Proctor not voting because they withdrew from participating in this case) the Commission approved the draft Opinion and Order, as amended.

5. Letter from Senator Cardinale

The Commission reviewed a two-page November 9, 1983 letter, signed by Senator Cardinale, along with a one-page enclosure of a political advertisement Senator Cardinale placed in the November 6 editions of the following newspapers: Newark Star Ledger, Home News and Passaic Herald.

After discussion, the Commission decided to defer action on Senator Cardinale's letter until its next meeting and to direct Staff Counsel Nagy to acknowledge the Senator's letter and advise the Senator that any reporting of the expenditures for the advertisements is suspended pending the issuance of an advisory opinion.

6. Advisory Opinion No. 17-1983

The Commission reviewed a two-page draft advisory opinion prepared by Staff Counsel Nagy along with a one-page October 31, 1983 letter from Raymond O'Grady, treasurer, Friends of Senator John P. "Jack" Gallagher. Attached to Mr. O'Grady's letter was a one-page flyer prepared by the New York Keansburg - Long Branch Bus Company, Inc. concerning Senator John P. "Jack" Gallagher.

On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 4-0, the Commission approved the advisory opinion, as amended by deleting the last paragraph on page 2. In addition, the Commission directed that the staff investigate the expenditures made by the bus company and report back to the next Commission meeting whether the bus company had a reporting requirement.

7. Advisory Opinion No. 18-1983

The Commission reviewed a two-page draft advisory opinion prepared by Staff Counsel Nagy along with a one-page November 2, 1983 advisory opinion request from Dennis P. LaHiff submitted on behalf of the "Felice for Assembly" Committee.

On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 4-0, the Commission approved the advisory opinion.

8. Fiscal Year 1985 Budget Request

Executive Director Weiner said that he and Assistant Executive Director Schmidt had met with representatives of The Office of Management and Budget. He said they had approved the Commission's budget request with the exception of \$3,000 which will be deleted from the Commission's request

for microfilming. He said they also recognized and approved the need for money for data processing and will concur in whatever is recommended by Dennis Clark from the Office of Management and Budget. Mr. Weiner also summarized his discussion with the OMB representatives concerning public financing. He said they wanted the Commission to revise its estimate of public financing costs for 1985 gubernatorial elections. Mr. Weiner said that ELEC's estimate was based on the 1981 experience and that he could not narrow down the estimate because the Commission cannot make political judgments. Mr. Weiner reported that the Commission has been asked to resubmit its FY85 budget request by separating out public financing. He noted that the OMB has agreed to two important items concerning the 1985 public financing program. The first is that the Budget Director will be given the authority to continue the flow of public funds for the gubernatorial candidates even if those funds exceed the amount appropriated. The second item is that the entire amount for both the primary and the general election will be appropriated for Fiscal Year 1985 even though the expenditure of gubernatorial public funds for the general election will not take place until Fiscal Year 1986.

9. Pending Legislation

Mr. Weiner reported that Assembly Speaker Karcher said that attention will be given to Senator Perskie's bill concerning surplus campaign funds during the lame duck session of the Legislature. In addition, there may be action in the Senate on the amendments to the Reporting Act. Mr. Weiner said the big issue for 1984 will be the revision to the public financing program. He said there is also increasing interest from both the Governor's office and within the Legislature to impose limits on campaign contributions and/or expenditures for legislative campaigns.

10. Executive Director's Report

Mr. Weiner reported on the Northeast Conference on Lobbying held in Newark on Thursday, October 27th. He noted that Chairman Axtell had key-noted the Conference, that there were representatives from a number of states and that, in his judgment, the Conference was quite successful.

Mr. Weiner said that he and Juana Schultz, Director of Compliance and Review, will be attending the New Jersey League of Municipalities Conference in Atlantic City on Thursday, November 17, 1983.

Chairman Axtell commented on how successful he thought the Lobbying Conference had been and paid particular compliments to the staff, notably Mr. Weiner, Ms. London and Ms. Schultz for the quality of their participation in the conference.

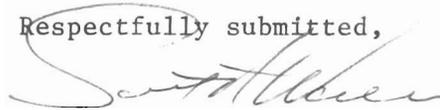
11. Executive Session

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to go into executive session to discuss enforcement actions and investigative matters, the results of which will be made public at their conclusion.

12. Adjournment

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to adjourn.

Respectfully submitted,



SCOTT A. WEINER
Executive Director