

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

DECEMBER 19, 1983

PRESENT

Andrew C. Axtell, Chairman
Alexander P. Waugh, Jr., Vice Chairman
Haydn Proctor, Member
Scott A. Weiner, Executive Director
Gregory E. Nagy, Staff Counsel
Edward J. Farrell, Counsel

ABSENT

M. Robert DeCotiis, Member
William R. Schmidt, Assistant
Executive Director

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 10:00 a.m. at the offices of the Commission, 28 West State Street, Trenton, N. J.

1. Approval of Minutes of Public Session of Commission Meeting of December 5, 1983

Commissioner Haydn Proctor stated that in regard to Item No. 4, Advisory Opinion No. 19-1983, he had joined with Commissioner Alexander P. Waugh, Jr. in observing that they participated and voted in this matter because they do not believe it presented any conflict of interest, as was the case when they disqualified themselves from consideration of allegations raised by Senator Cardinale and considered at the public meeting of the Commission of October 26, 1983. With that amendment, on a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission approved the minutes of the public session of December 5, 1983.

2. Advisory Opinion No. 19-1983-Senator Cardinale

Counsel Edward J. Farrell reported that he will distribute a draft of the advisory opinion at the next Commission meeting.

3. Advisory Opinion No. 21-1983-Jerry Lynch

The Commission reviewed a letter from Mr. Jerry Lynch, and a one-page text of a proposed newspaper advertisement. The Commission also reviewed a two-page draft Advisory Opinion prepared by Staff Counsel Nagy.

Counsel Farrell stated that the concluding paragraph should state that the Commission is unable to express any opinion in this matter, rather than having the opinion indicate that the advertisement would not be reportable if it was undertaken independent of any candidate or political committee. With this amendment, on a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the Advisory Opinion.

4. Advisory Opinion No. 22-1983-Ms. Jurgel

The Commission reviewed a one-page letter from Ms. Dorothy Jurgel, Administrative Assistant to Senator James P. Vreeland, and a two-page draft advisory opinion prepared by Staff Counsel Nagy.

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the Advisory Opinion as drafted.

5. Adoption of 1984 Commission Meeting Dates

The Commission reviewed a listing of proposed meeting dates for calendar year 1984. Executive Director Scott A. Weiner reported that meetings are scheduled for the first and third Mondays of each month, with the exception of those Mondays that fall on holidays. Where a Monday date is a holiday, the meeting has been scheduled for the following Tuesday. On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission approved the proposed dates and directed that annual notice statements be circulated pursuant to the Open Public Meetings Law.

6. Pending Legislation

Mr. Weiner reported that Senator Russo had introduced a bill, S-3757, that would require an incumbent governor to report any contribution or expenditure which is used for political communications. He stated that the Bill appeared to be directed toward the television advertising which prominently featured Governor Kean during the 1983 general election. In Advisory Opinion No. 12-1983, the Commission concluded that such advertising was not allocable to the future candidacy of Governor Kean for re-election, although the Commission observed that the ultimate application would depend on the actual text of the advertising. The proposed bill has a retroactive effect that would appear to overrule the Advisory Opinion. Mr. Weiner reported that the Bill has not been scheduled for consideration by the Senate State Government Committee.

Mr. Weiner also reported that he will be meeting shortly with Greg Stevens, Chief of Staff of the Governor's office, and Edward McGlynn, Deputy Chief of Staff, to review legislation concerning surplus campaign funds, public financing of the primary and general elections for Governor, general amendments to the Reporting Act and campaign financing for legislative races.

7. Executive Director's Report

Mr. Weiner reported that Commissioner Waugh, Juana Schultz, Director of Compliance and Review, and Mr. Weiner attended the annual conference of the Council on Governmental Ethics Laws held in Montgomery, Alabama. Mr. Weiner stated that he was a panelist for a seminar on the enforcement of lobbying laws. Also, he was elected to the National Steering Committee of

the Organization. The conference next year will be held in Seattle from December 3 to December 5, 1984.

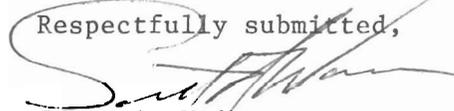
8. Executive Session

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, 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.

9. Adjournment

On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission voted to adjourn.

Respectfully submitted,



Scott A. Weiner
Executive Director