

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

MAY 29, 1985

PRESENT:

Andrew C. Axtell, Chairman
Alexander P. Waugh, Jr., Vice Chairman
Haydn Proctor, Member
Owen V. McNany, Member
Frederick M. Herrmann, Executive Director
Jeffrey M. Brindle, Deputy Director
Edward J. Farrell, General Counsel
Peter D. Nichols, Director of Public Financing*

* Attended the public session only

Chairman Axtell called the meeting to order and announced that pursuant to the "Open Public Meetings Act," P.L. 1974, c. 231, annual notice of the meeting of the Commission has 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 office of the Commission, 28 West State Street, Trenton, New Jersey.

1. Approval of Public Session Minutes of May 21, 1985

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 4-0, the Commission approved the public session minutes of May 21, 1985.

2. Executive Director's Report

Executive Director Herrmann reviewed a letter from Cogent, dated May 22, 1985, confirming deadline dates agreed upon between this computer software firm and the Commission. Cogent set up the following timeframe on remaining software modules:

- 1) Quarterly reports programming done on or about 8/15/85.
- 2) Quarterly reports testing (by the Commission) done on or about 9/15/85.
- 3) Lobbyist specifications done on or about 9/1/85.
- 4) Lobbyist programming done on or about 10/1/85.
- 5) Lobbyist testing (by the Commission) done on or about 11/1/85.

Mr. Herrmann said that he would keep the Commission informed about whether or not the deadlines are met. He said that Cogent seems to be very cooperative at this point.

Mr. Herrmann reported that two copying machines are being leased by the Commission. The smaller machine, a Toshiba, has been delivered. This machine is

for back-up purposes only. The larger machine, a new Xerox, will replace the one that the Commission has had for several years. It will be delivered on Friday, May 31. The larger machine will be leased at the same rate as the existing large copying machine now located in the public area.

Carol Neiman, Staff Administrator, received a telephone call from a representative of the State Recycling Program congratulating the Commission on having the highest recycling rate in State government (1.1 tons in 1984), Mr. Herrmann reported.

Mr. Herrmann stated that he received another resignation. Maria Kupczak is the third report examiner to resign. She was deemed ineligible to take the Civil Service exam by Civil Service and has recently been offered a job with an investment firm in Morristown. Her resignation is effective in August. In regard to hiring new report examiners, he said that letters will be sent to the four candidates on the Civil Service list, asking them to call for an interview. Cheryl Clarke, Director of Review and Investigations, will conduct these first-round interviews.

Mr. Herrmann said that there will be a program on Friday, May 31, at 8:00 p.m. on New Jersey public television (NJPTV). He said that he was interviewed concerning the Gubernatorial Public Financing program and may be on the air.

Mr. Herrmann reviewed a memorandum from Carol Neiman, Staff Administrator, in response to a suggestion from Commissioner McNany concerning overtime payments. He said that classified staff has been keeping their own records with their supervisors' input, but now unclassified staff will keep records as well for future budget use.

He also reviewed a memorandum from Ms. Neiman concerning allocating administrative expenses for public financing. He said that this is in response to Vice Chairman Waugh's suggestion several weeks ago to allocate public funding money to a percentage of the Commission's administrative expenses. After speaking with Edward Troy, the Commission's budget analyst with OMB, it was decided that the total allocation would be 20 percent per meeting. The Commission will also calculate General Counsel Farrell's services which pertain to public funding and charge it to that program accordingly.

Mr. Herrmann reviewed future Commission meeting dates. They are:

Monday June 3, 1985	(Commission office)
Wednesday, June 12, 1985	(Maplewood)
Tuesday, June 25, 1985	(Commission office)
Wednesday, July 10, 1985	(Commission office)
Tuesday, July 23, 1985	(Commission office)

Vice Chairman Waugh said that he would be out of the country on July 23, but will be available to participate by telephone.

3. Director of Public Financing's Report

Director of Public Financing Nichols reported that last week the Commission received four submissions for public matching funds, three of which qualify for additional funds. He said that all of the campaigns that filed submissions had very low error rates. He recommended the policy of 90 percent prereview certification continue to be used.

Mr. Nichols said that the net amounts that he found eligible for certification after review of the May 20 submissions plus the 90 percent prereview certification are:

Robert J. Del Tufo	\$ 66,295.00
Kenneth A. Gibson	44,299.23
Stephen B. Wiley	49,972.79

He said that that the Shapiro, Russo, and Kean campaigns have each reached the maximum in public matching funds. After today's certification, the Wiley campaign will be approximately \$15,000 from reaching its maximum. The Gibson and the Del Tufo campaigns are approximately \$66,000 and \$113,000 away from the maximum, respectively.

To date the total public matching funds that have been certified to candidates are:

Thomas H. Kean	\$643,572.40 (Maximum)
John F. Russo	643,572.40 (Maximum)
Peter Shapiro	643,572.40 (Maximum)
Stephen B. Wiley	628,762.33
Kenneth A. Gibson	577,619.46
Robert J. Del Tufo	<u>416,939.42</u>
TOTAL:	\$3,554,038.41

On a motion by Commissioner Proctor, seconded by Vice Chairman Waugh and a vote of 4-0, the Commission voted to approve the submission for certification.

4. Fine Scale for 11-day Preelection Report

Staff Counsel Nagy reviewed a memorandum from Director of Review and Investigations Cheryl R. Clarke, regarding the fine scale for 11-day preelection reports. Ms. Clarke recommended the Commission modify this fine scale because any reports received after the due date of May 24, 1985 for the 1985 primary (11-day report) would have been subject to a complaint action because of the three-day weekend. By increasing the grace period to four days, those reports received on Tuesday, May 28, 1985, will not be subject to complaint action.

On a motion by Commissioner Proctor, seconded by Vice Chairman Waugh and a vote of 4-0, the Commission voted to accept the staff's recommendation.

5. Executive Session

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

6. Adjournment

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

Respectfully submitted,



FREDERICK M. HERRMANN

FMH/slm