

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

OCTOBER 1, 1985

PRESENT:

Andrew C. Axtell, Chairman  
Haydn Proctor, Member  
Owen V. McNany, Member  
Frederick M. Herrmann, Executive Director  
Jeffrey M. Brindle, Deputy Director  
Edward J. Farrell, General Counsel  
Gregory E. Nagy, Staff Counsel  
Peter D. Nichols, Director of Public Financing  
Sandra L. Magee, Administrative Assistant

ABSENT:

Alexander P. Waugh, Jr., Vice Chairman

Chairman Axtell called the meeting to order and announced that pursuant to the "Open Public Meetings Act," P.L. 1974, c.231, special 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 10:30 a.m. at the Interlaken Borough Hall, Interlaken, New Jersey.

1. Approval of Public Session Minutes of September 17, 1985

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0, the Commission approved the public session minutes of September 17, 1985 as corrected.

Approval of Public Session Minutes of September 24, 1985

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0, the Commission approved the public session minutes of September 24, 1985.

3. Executive Director's Report

- 1) Executive Director Herrmann reported on Senate Bill No. 3384 (Orechio) which creates a commission to study the 1985 gubernatorial election. Mr. Herrmann said that he called Robert Noonan, Executive Director of the Senate Majority, at the Commission's request. Mr. Noonan advised him that Senate President Carmen Orechio's intentions concerning Bill S-3384 are to create a timeframe within which issues had to be resolved and to establish a vehicle with more clout and capacity for publicity. He said the bill is in no way critical of the Election Law Enforcement Commission and might be in committee before the election (perhaps on October 7, 1985).

Mr. Herrmann said that he spoke to Vice Chairman Waugh by telephone regarding this bill. Mr. Waugh suggested that the Commission remain neutral on this issue and that it would be advisable for Mr. Herrmann to attend the committee meeting in order to serve as a resource.

Commissioner McNany suggested offering the Commission's office for meetings if the bill becomes law.

4. Meeting with C.W.A. Union Officials

Executive Director Herrmann said that he and senior staff members met with a representative of the Communication Workers of America (C.W.A.) recently. He said that the union official congratulated the staff on the Commission's operations, stating it is the best run agency under her jurisdiction.

5. Parking for Staff Members

Mr. Herrmann said that the Commission is in the process of providing free parking to staff members.

6. C.O.G.E.L. Conference

Mr. Herrmann reviewed a memorandum from Sandra L. Magee, Administrative Assistant, dated September 30, 1985, regarding the Council on Governmental Ethics Laws (C.O.G.E.L.) conference. This conference is scheduled to be held on December 3-6, 1985, in Chicago, Illinois. The estimated cost is \$683.00 per person, which would cover registration, hotel, food and travel expenses.

General Counsel Farrell said that C.O.G.E.L. is a national organization and the Commission's involvement has provided many contacts from various states. Mr. Farrell stated that he would attend the conference, but declined the Commission's offer to cover his expenses, other than the registration fee.

Chairman Axtell and Commissioner Proctor said that they will be unable to attend the conference. Commissioner McNany said that he may be able to attend, but would have to advise the Commission at a later date. Ms. Magee will advise the Commission when the deadline is for registration.

Mr. Herrmann stated that Vice Chairman Waugh had told him he would not be able to attend but wanted to.

7. Future Meetings

Executive Director Herrmann reviewed the October meeting schedule with the Commission:

Wednesday, October 9, 1985 - Telephone Meeting if Shapiro Campaign makes a submission on October 8. Mr. Herrmann will inform the Commission if a meeting is necessary.

Wednesday, October 16, 1985 - Trenton.

Tuesday, October 22, 1985 - This will probably be a telephone meeting.

Wednesday, October 30, 1985 - Montclair (tentatively).

Mr. Herrmann will advise the Commission of how much the telephone company is charging per telephonic meeting.

8. Governor's Ball

Executive Director Herrmann said that an issue concerning a possible Governor's Ball allocation to the Governor came to the attention of Director of Public Financing Peter Nichols during a conversation with James Morford of the New Jersey Chamber of Commerce. Mr. Herrmann discussed the Governor's Ball invitations that refer to the Governor with Vice Chairman Waugh via a telephone conversation. Mr. Waugh felt that these invitations should be discussed at this Commission meeting, but a vote should not be taken until the October 16, 1985 meeting. Mr. Waugh stated that he believes that by that date the Commission should be advised of the Supreme Court decision in the Friends of Tom Kean case. The Court's decision may have an impact on this issue. In addition, Mr. Herrmann stated that the Friends of Tom Kean will not be submitting its campaign report until October 7, 1985. Moreover, the Republican State Committee quarterly reporting filing date is October 15, 1985. These reports will show whether or not there is any reporting of an allocation to the gubernatorial campaign.

General Counsel Farrell said that the practical problem is to match the Commission's policy with the Supreme Court decision. He said that the justices differed amongst themselves as to the reasons for their decision. He said that the opinions will follow. He said he would call the Supreme Court today to determine when the Commission can expect to receive the opinions. Mr. Farrell said that the allocation issue regarding the invitations is the type of problem that could be resolved by the decision. He said he believed that a similar situation arose in a previous gubernatorial campaign and that an allocation was not made against the campaign's expenditure limit. Mr. Farrell said that he believes the decision was correct and that the Commission should not allocate spending of this type under similar circumstances.

Mr. Farrell said that since the judges disagreed amongst themselves, their individual opinions (which may be very important for the Commission's purposes) would take time to draft into a general statement from the court. One of the six judges will draft the opinion. They would then vote on the opinion, a process that could take time. Commissioner Proctor said that the court does not have to issue an opinion before the election.

5. Director of Public Financing's Report

Peter Nichols, Director of Public Financing, circulated last week's certification payment form. The amount approved for the Shapiro Campaign was \$170,000. Mr. Nichols then reviewed the submission with the Commission:

\$100,000.00	-	Net submitted for match
<u>840.00</u>	-	Rejected for match
\$ 99,160.00	-	Contributions accepted
\$198,320.00	-	Public matching funds (2:1 ratio)
<u>\$170,000.00</u>	-	Amount certified 9/24/85
\$ 28,320.00	-	Amount for certification 10/1/85

(at 100% review)

Including the October 1st certification, the Shapiro Campaign will have certified \$672,540.00 in public matching funds (\$1,287,144.80 is the maximum amount).

On a motion by Commissioner McNany, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the submission and authorized Chairman Axtell to execute the certification.

6. Independent Expenditures

Staff Counsel Nagy said that at its September 4, 1985 meeting, the Commission authorized General Counsel Farrell, at his request, to propose an amendment to the independent expenditures regulation (N.J.A.C. 19:25-15.28) to the Office of Administrative Law in the Department of State. Mr. Nagy said that during a conversation with Mr. Farrell on September 30, 1985, Mr. Farrell stated that he believed the Commission should withdraw this proposed amendment in view of the Supreme Court affirmation of the lower court's decision. Mr. Nagy recommended withdrawal of the proposed amendment to the Commission. On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0, the Commission agreed to withdraw from the Office of Administrative Law its proposal to amend N.J.A.C. 19:25-15.28.

7. Executive Session

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0, the Commission voted to go into executive session.

8. Adjournment

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0, the Commission voted to adjourn at 11:50 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN  
Executive Director