

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

NOVEMBER 6, 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
Gregory E. Nagy, Staff Counsel
Peter D. Nichols, Director of Public Financing

ABSENT:

Edward J. Farrell,
General Counsel
Sandra L. Magee,
Secretary to the Commission

Chairman Axtell called the telephonic meeting to order and asked Executive Director Herrmann to read the open public meeting statement. Mr. Herrmann read the following statement:

"Pursuant to the 'Open Public Meetings Act,' (N.J.S.A. 10:4-6 et seq.), emergency notice of the telephone meeting of the Commission was distributed Monday, November 4, 1985 at approximately 5:30 p.m., to the State House press corps and filed with the Secretary of State's Office at approximately 9 a.m. on Wednesday, November 6, 1985.

The Commission is conducting an emergency meeting by telephone at its offices at the request of Angelo Genova, Esq., treasurer for the Shapiro '85 Committee, Inc., who made his request by telephone at 4:20 p.m. on November 4, 1985. Mr. Genova believes substantial harm to the gubernatorial candidacy of Peter Shapiro will result if the Commission does not certify public matching funds for contributions submitted by the Shapiro '85 Committee, Inc. on November 4, 1985, and for some contributions not yet certified for matching funds submitted on October 28, 1985. Specifically, Mr. Genova said failure to certify matching public funds would jeopardize the candidate's ability to purchase advertising before the November 5, 1985 general election.

The Commission believes that an urgent situation exists, and the Commission could not reasonably have foreseen the need for a meeting prior to Mr. Genova's request for such a meeting. The Commission believes substantial harm to the public financing program and the public interest is likely to result from a delay of the meeting.

The agenda of this meeting will be limited to consideration of certifying public matching funds to the Shapiro '85 Committee, Inc., for submissions for such funds made by that Committee on October 28, 1985 and November 4, 1985."

Mr. Herrmann said that Mr. Genova had been read a copy of this statement, and had approved it. On a motion by Vice Chairman Waugh, seconded by

Commissioner Proctor and a vote of 4-0, the Commission voted to conduct an emergency meeting for the reasons and purposes set forth in the open public meeting statement.

The meeting convened at 10:02 A.M. at the office of the Commission, 28 West State Street, Trenton, New Jersey.

1. Public Financing Certification

The Commission reviewed a memorandum dated November 4, 1985 by Peter D. Nichols, Director of Public Financing, concerning the seventh application for public matching funds by the Shapiro '85 Committee, Inc. Chairman Axtell, Vice Chairman Waugh and Commissioner Proctor stated they had received copies of the memorandum and the supporting summary tables. Commissioner McNany indicated that he had not received his copy. Staff Counsel Nagy said that he had spoken with General Counsel Edward J. Farrell prior to the meeting, and Mr. Farrell had concluded that while the Commission could legally vote on the certification of public matching funds without written documentation before each Commission member, his strong preference would be to delay the meeting until the Commission members had the relevant written documentation.

Chairman Axtell inquired whether the Commission could approve the certification by majority vote, and Mr. Nagy indicated that would be possible. Mr. Herrmann said that the documentation was relevant only to the submission for matching funds received on October 28, 1985. The submission received on November 4, 1985 was subject to the Commission policy of approving 85% of the total submitted prior to staff review. Therefore, Mr. Herrmann suggested that Commissioner McNany participate in the vote for the certification of matching public funds on the submission received November 4, 1985, but not on the submission received October 28, 1985 which has received staff review as documented in the memorandum and supporting summaries. Mr. Herrmann noted that the Commission had at its last public meeting approved certification of 85% of the October 28, 1985 submission for matching funds, and therefore the certification was limited to the remaining 15% for that submission.

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission authorized that the contributions submitted by the Shapiro '85 Committee, Inc. on November 4, 1985 be certified for matching up to 85% of those contributions. The November 4, 1985 submission reported contributions totaling \$36,717. Applying the 85% figure, the contributions subject to match totalled \$31,209.45. Applying the two-for-one match ratio, the total amount of public funds certified was \$62,418.90.

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 3-0, with Commissioner McNany abstaining, the Commission approved certification of matching public funds for the October 28, 1985 submission by the Shapiro '85 Committee, Inc. totaling \$14,078. As a result of the staff review, this approval represents a 100% certification of public

funds for contributions reported on the October 28, 1985 submission that staff found eligible for match.

2. Executive Director's Statement

Executive Director Herrmann stated that the next Commission meeting will be conducted on Wednesday, November 20, 1985, 10:00 A.M. at the Trenton offices of the Commission. Mr. Herrmann also reported that Mr. Genova, treasurer, Shapiro '85 Committee, Inc. in a conversation with Staff Counsel Nagy earlier that morning, had asked that the staff pass along to the Commissioners Mr. Genova's appreciation on behalf of the Shapiro Campaign for the cooperation the staff has extended throughout the election, and for the professional and neutral manner in which the Commission and staff has carried out the public financing program.

3. Adjournment

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

Respectfully submitted,



FREDERICK M. HERRMANN
Executive Director