

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

JANUARY 7, 1986

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
Sandra L. Magee, Secretary to the Commission

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 11:03 a.m. at the Maplewood Municipal Building, 574 Valley Street, Maplewood, New Jersey.

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

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

2. Executive Director's Report

1) Public Financing Hearing

Executive Director Herrmann reported that the Public Financing Hearing has been scheduled for 10:00 a.m. on January 29, 1986 at the State House Annex, 4th floor, in Trenton. Dr. Herrmann said that letters have been prepared alerting the press and public to this hearing and will be mailed shortly.

Mr. Herrmann stated that Dr. Herbert Alexander, a nationally renowned expert in the field of campaign financing, has been invited to testify at this hearing.

Mr. Herrmann will notify the Commission at its January 21 meeting of the details of the public financing hearing.

2) Commission Meeting Date

Mr. Herrmann advised the Commission that the next scheduled meeting date is January 21, 1986. Due to the inaugural parade in Trenton that day, the meeting will take place at the office of General Counsel Farrell, 43 Maple Avenue, Morristown, New Jersey at 11:00 a.m.

3) Asbury Park School Board Case

Executive Director Herrmann announced that the parties in the Asbury Park School Board appeal have paid their fine of \$50/25 each, and presumably will not be pursuing any further appeals; see ELEC v. Brown, A-25 21-84T7.

4) Cataloging Project

Mr. Herrmann stated that 350 boxes of files will be sent over to the State Retention Center in the near future. These files will, for the first time, be cataloged. A member of ELEC's staff will be temporarily assigned to the center for this purpose.

5) FEC Remote Access Project

Executive Director Herrmann advised the Commission that the Federal Election Commission Remote Access Project is progressing very well. He said that there were only ten states designated to have access terminals. The press and the public can access federal campaign files through this computer. He said that Frank Reiche, former Commissioner of the FEC and ELEC, was particularly instrumental in ELEC's involvement with this project.

6) Computer Project

Mr. Herrmann reported that he anticipates that the Commission's computer will be completely functional by the end of January.

7) Legislature

Mr. Herrmann reported that the Legislature will be reorganized on Tuesday, January 14, 1986 at 12:00 noon. He said Assembly Speaker Chuck Hardwick has spoken to him on several occasions. Speaker Hardwick expressed his interest in working with the Commission, specifically on legislation concerning surplus campaign funds. He said that Mr. Hardwick is sensitive to keeping the Commission informed of issues relating to it.

3. Friends of Tom Kean v. N.J. Election Law Enforcement Commission

General Counsel Farrell reported that he received a telephone call from a State Supreme Court Clerk approximately five weeks ago, and was asked for some factual materials. He said he contacted Director of Public Financing

Peter Nichols, who supplied the requested materials. Executive Director Herrmann said he also received a call and was asked questions involving the expenditure limits. Mr. Farrell said it is impossible to predict when the written opinion will be announced.

4. Readoption of Subchapter 15

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0, the Commission voted to readopt Subchapter 15 of the Commission's regulations without change. The Commission authorized the Executive Director to execute the appropriate readoption notice for publication in the New Jersey Register.

Staff Counsel Nagy reported that no comments had been received in response to the Commission's notice in the New Jersey Register proposing to readopt Subchapter 15 of its regulations (N.J.A.C. 19:25-15.1 et seq.), which concern public financing of gubernatorial general elections.

5. Bill A-3847 - "Truth in Campaigning Law"

General Counsel Farrell commented on Bill A-3847 (Vanieri) which was discussed by Mr. Herrmann during the December 17, 1985 Commission meeting. This bill allows a candidate who has been the target of a false statement by his opponent to fill a complaint with the Commission. The Commission would be able to fine the guilty party up to \$5,000 and seek a retraction of the false statement. Mr. Farrell said that if the bill does come up again, he foresees grave constitutional problems with it, along with the administrative problems that were discussed by Mr. Herrmann.

6. Executive Session

On a motion by Commissioner McNany, seconded by Commissioner Proctor and a vote of 3-0, the Commission voted to go into executive session to discuss investigative matters, the results of which will be made public at their conclusion.

7. Adjournment

On a motion by Commissioner McNany, seconded by Commissioner Proctor and a vote of 3-0, the Commission voted to adjourn at 11:47 a.m.

Respectfully submitted,


FREDERICK M. HERRMANN