

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

FEBRUARY 19, 1986

PRESENT:

Andrew C. Axtell, Chairman
Alexander Waugh, Jr., Vice Chairman *
Haydn Proctor, Member
Owen 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

* Participated by phone

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 9:00 A.M. at the office of the Commission, 28 W. State Street, Trenton, New Jersey.

1. Approval of Public Session Minutes of January 21, 1986

On a motion by Commissioner McNany, seconded by Commissioner Proctor, the Commission approved the public session minutes of January 21, 1986 by a vote of 4-0.

2. Executive Director's Report

1) Initiative and Referendum legislation; A-1028 and A-1029 (Zimmer)

Executive Director Herrmann reported that the Assembly State Government Committee is in the process of conducting a series of meetings on Initiative and Referendum. Mr. Herrmann stated that he testified before the committee on January 30, 1986. He said that he conveyed to the Committee that the Commission was neutral on the legislation. Mr. Herrmann said, however, that during his testimony he made several suggestions for technical revisions of the bill.

Executor Director Herrmann reported that he was successful in extricating the Commission from many Initiative and Referendum responsibilities that were beyond its scope. According to Mr. Herrmann, the Commission will no longer be responsible for administering the technical review of Initiative and Referendum bills, nor be responsible for writing fiscal summaries.

Mr. Herrmann reported, however, that A-1029 still calls for ELEC to administer the choice of statements for a voter information pamphlet vis-a-vis proponents and opponents of ballot questions. In other words, ELEC would have to choose among competing groups in selecting one statement for and one statement against a ballot question. Mr. Herrmann stated that he pressed for objective criteria to be included in the bill for the purpose of Elec making such decisions, and that he as optimistic his suggestions would be incorporated. Moreover, Mr. Herrmann reported that he assisted in improving language which dealt with contributions and expenditures reporting in A-1028.

- 2) Gubernatorial Public Financing Program Hearing - Executive Director Herrmann reported that the Public Financing Hearing was extremely successful and received wide coverage in the press. Mr. Herrmann also pointed to a summary sheet of written testimony which was prepared for the members of the Commission. He stated that the summary material was developed by Public Financing Director Peter Nichols and that Mr. Nichols should be commended for the fine job he did in both organizing the hearing and summarizing the testimony.

In a separate but related matter Director Herrmann added that Dr. Herbert E. Alexander will serve as editorial consultant to the Public Financing report project.

- 3) Budget

With respect to the Commission's fiscal year 1987 budget proposal, Executive Director Herrmann stated that he is preparing for a difficult year. Mr. Herrmann said that the Gramm-Rudman climate represents a projected \$873 million dollar loss in federal revenues to New Jersey, and that this situation may adversely impact the Commission's proposed budget. He said that the Commission is already feeling the impact of federal budget cuts with the cancellation of the F.E.C. Remote Access Project. In addition, Mr. Herrmann stated that the Gramm-Rudman atmosphere may very well put a damper on the Commissioner's per diem increase. Mr. Herrmann stated that he had paid a courtesy call to Edward R. McGlynn, the Governor's Chief of Staff, and suggested on behalf of the Chairman an increase in each Commissioner's per diem to \$350. Mr. Herrmann said that Mr. McGlynn said that he would take the proposal under advisement but that the budget cutting atmosphere made prospects doubtful.

- 4) Future Meetings

Executive Director Herrmann reported that meetings were scheduled for Tuesday, March 4, 1986 and Tuesday, March 18th at 10. After some discussion the Commission decided to cancel the March 4th meeting and change the March 18th meeting to Wednesday, March 19th, at the Montclair Municipal building. The meeting will be held at 10 a.m.

5. Executive Session

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

6. Advisory Opinion

The Commission discussed an Advisory Opinion request submitted by Albert Porrioni, Legislative Counsel to the Office of Legislative Services (OLS). This request concerned the uses of surplus campaign funds by members of the legislature. Specifically, Mr. Porrioni requested an advisory opinion as to the accounts which may be established under the jurisdiction of the Election Law Enforcement Commission and the permitted and prohibited uses of funds deposited in those accounts.

General Counsel Farrell advised the Commission that the Campaign Act does not address this issue specifically and that therefore the Commission could not provide substantial guidelines on the uses of surplus campaign funds to the Office of Legislative Services. He recommended that OLS suggest statutory changes to address this problem.

The Commission concurred with Mr. Farrell's advice and directed the General Counsel to write the opinion based on the above.

7. Adjournment

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

Respectfully submitted,



FREDERICK M. HERRMANN

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