



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

MARCH 21, 1989

All of the Commissioners and senior staff were present.

Chairman Bedford called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-8 et seq., special notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps.

The meeting convened at 10:05 a.m. at the Commission's offices, at 28 W. State Street, Trenton, New Jersey.

Commissioner Linett arrived at 10:10 a.m., thereby missing the votes on the Public Session Minutes.

1. Approval of Public Session Minutes of February 21, 1989

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 3-0, the Commission approved the Public Session Minutes of February 21, 1989.

2. Approval of Public Session Minutes of March 2, 1989

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 3-0, the Commission approved the Public Session Minutes of March 2, 1989.

3. Executive Directors' Report

A. Staff Activities

Executive Director Herrmann said that on February 24, 1989, the staff held a County and Municipal Clerks Information Session at the Forrestal Center, Princeton, New Jersey. He reported that Director of Compliance and Information Evelyn Ford did an excellent job in organizing and conducting the

session. Executive Director Herrmann indicated that there was a very good exchange of information between staff and the clerks. He said that approximately 34 people attended the session.

The Executive Director reported that on March 10, 1989, Director Ford taught a class of municipal clerks in Mount Holly, New Jersey. He said that the class was sponsored by Rutgers University. He noted that Director Ford spoke about the administration of the Campaign Act for local candidates. The Executive Director said that Director Ford did such an excellent job that she has been invited to teach another class in the future.

Executive Director Herrmann informed the Commission that on May 12, 1989, he will speak on state election reform at the CRF National Conference entitled "Dollar Politics and Election Reform." He said that the conference will be held in Washington, D.C.

B. COGEL Steering Committee Meeting

Executive Director Herrmann reported that he recently attended the COGEL Steering Committee meeting in Lexington, Kentucky.

The Executive Director reported that the 1989 COGEL Conference is scheduled for December 6-8, 1989 in New Orleans, Louisiana. He said that President Bush has been invited to be the keynote speaker at the conference.

Executive Director Herrmann indicated that the table topics discussion will be held at lunch as well as at breakfast. He said that this change will increase participation in these table topic discussions.

Executive Director Herrmann also reported that the model laws will be completed this summer. He said that the sessions at the conference on the model laws will involve a case study approach. Executive Director Herrmann said that there will be a session regarding Legislative/Litigation Updates.

Executive Director Herrmann said that he has reserved space for an ELEC lawyer on a panel. He noted that the ELEC representative would serve on the "Constitutional Challenges to Ethics Laws" panel. There may also be another opening on different panels for ELEC.

The Executive Director reported that the 1990 COGEL Conference is scheduled for Alaska in June of 1990.

Executive Director Herrmann said that the COGEL Steering Committee members expressed praise for the ELEC Report and Deputy Director Brindle's submissions to the Guardian.

C. Annual Report

Executive Director Herrmann noted the inclusion of the 1988 Annual Report of the Commission in the Commissioners' packets. He said that the quality of the report is excellent, telling the agency's story quite well. He said that because of budgetary problems, the report will necessarily be of a less expensive printing quality this year. Executive Director Herrmann mentioned the fact that the report contains a strong Legislative Initiative Section, a table of organization, a budget review, and the Commission's 1988 evaluation data.

The Executive Director indicated that the evaluation data shows 15,000 reports received by the Commission in 1988, 21 advisory opinions issued, 97 investigations concluded, 603 final decisions rendered, 8,000 public assistance requests made and fulfilled, and \$29,000 fines issued.

Executive Director Herrmann asked the Commissioners to return their comments about the report to him by April 1, 1989, so that it may be printed and distributed to the Governor and the Legislature by the statutory deadline of May 1.

4. Public Hearing on Proposed Gubernatorial Primary Election Regulations

At this juncture, the Commission interrupted the Executive Director's Report to begin the public hearing on the adoption of the proposed primary election public financing regulations.

This public hearing was recorded by a court reporter and a transcript will be made available to the public.

Following the public comment period of the public hearing, Commissioner Linett suggested that staff give consideration to remarks made with respect to the proposed regulations on coordinated expenditures and provide a redrafted proposal to the Commission on April 5, 1989.

Chairman Bedford suggested that the federal provisions, which deal with the volunteer activities exemption, be provided to the Commission for that meeting as well.

Executive Director Herrmann reported that the next regular meeting of the Commission is on April 18, 1989 and asked if the Commission would be adverse to receiving this information and discussing it at that time. He added that the Commission had scheduled a second public hearing on the proposed regulations for that date.

Commissioner Linett suggested that time is of the essence with respect to these primary regulations and that in this instance, he would suggest considering this redraft on April 5, 1989.

Chairman Bedford asked Scott Weiner, Treasurer of the Florio for Governor Committee, if he had any difficulty with this matter being pursued on April 18, 1989. Mr. Weiner indicated that he would prefer to get the sense of the Commission on this issue as early as possible and supported the notion of addressing the issue on April 5, 1989.

Chairman Bedford asked that the information from staff be provided for the April 5, 1989 meeting so that the Commission could discuss the matter.

At this juncture, Chairman Bedford asked Executive Director Herrmann to complete his report.

5. Continuation of Executive Director's Report

D. Other News

Executive Director Herrmann reported that staff is attempting to obtain the services of free student interns for this summer. He said that the staff is looking for help in the area of research. Free help is especially important in this era of cuts. The Executive Director said that there is a possibility that the Commission may gain the services of a Georgetown University law student.

The Executive Director acknowledged the Visitors' Sign-In Book developed by Executive Secretary Josephine Hall. He said Mrs. Hall did a fine job.

He reported that the Commission recently had its new Fax machine installed on Monday, March 20, 1989. Director Herrmann said that the machine has already been used and that the Fax number will be provided to the Commissioners in the near future.

Executive Director Herrmann said that staff has recently negotiated in-house programming with Cogent, the Commission's software vendor. He said that this will save money and time. Executive Director Herrmann said that at the negotiation, Cogent not only praised the Commission's use of the system but also its responsible exercise of its calling privileges.

E. Future Meetings

Executive Director Herrmann announced that the next meeting is scheduled for April 5, 1989 at 9:30 a.m. in Maplewood, New Jersey. He noted that this meeting is a public financing certification meeting. He said that the next regular meeting is slated for April 18, 1989 in Trenton, New Jersey at 9:30 a.m. He indicated that this meeting will include a public hearing at 10:00 a.m. Finally, the Executive Director said that a meeting might have to be scheduled for April 25, 1989 at 9:30 a.m. He said that this would be a telephone meeting to certify public funds submissions, probably from Representatives James A. Courter and James Florio.

F. Congratulations to Commissioner Linett

Executive Director Herrmann congratulated Commissioner Linett for being named "Citizen of the Year" in Somerset County by the Somerset County Chamber of Commerce.

G. Salvation Army Contribution

The executive director reported that staff recently contributed to the Salvation Army in memory of former Commissioner Josephine Margetts, who recently passed away.

Chairman Bedford announced that Commissioner Axtell will be moving to Florida and will leave the Commission after the primary election.

6. Debate Sponsorship

Director of Public Financing Nedda Massar summarized the process for selecting a primary debate sponsor and listed the six applicants for sponsorship.

The statutory criteria for sponsorship are: 1) that sponsors be private organizations which are not affiliated with any political party or holder of or candidate for public office, 2) that sponsors have not endorsed any candidate in the pending primary election, and 3) that sponsors have previously sponsored one or more televised debates for statewide office in New Jersey since 1976.

The applicants for sponsorship outlined by Director Massar are: The Mercer County Chamber of Commerce; the Asbury Park Press; WPVI-TV6, Philadelphia in conjunction with WABC-TV, Capital Cities-ABC, Inc., New York; WNET-Thirteen; New Jersey Network with the Rutgers Department of Journalism and mass media; and the League of Women Voters of New Jersey Education Fund.

Director Massar indicated that the selection of debate sponsors is left by law to the discretion of the Commission.

Chairman Bedford asked if WNET-Thirteen was a private organization and whether the statute cited private ownership as a requirement.

Director Massar said that private ownership is a requirement and that WNET is a private organization. New Jersey Network, however, is public, said Director Massar.

Commissioner Linett asked if the language in the statute specifically said that an organization sponsoring a debate could not endorse a candidate at any time, even after the debate is over.

Legal Director Nagy said that the statute does not specifically state that a sponsor could not endorse after submitting its application.

Commissioner Linett said that the Commission's prepared regulation goes beyond the authority granted to it by the statute in prohibiting endorsements after the debate. He said that he believed that we should stick to the statute and only prohibit endorsements before the debates. He added that this type of extension of authority, as a practical matter, would limit the number of news organizations that would apply to sponsor debates. He said that getting the media involved in this process is a good thing.

Commissioner McNany said that if we totally prohibit endorsements in the primary election, even after the debates are completed, then this would necessarily affect an organization's ability to sponsor a debate in the general election. "If the organization endorses in the primary, even after the debate is held, then it would preclude it from gaining sponsorship in the general election, at least if the Commission keeps its present regulation," he said.

Counsel Farrell said that the Legislature clearly intended that a disinterested organization, which does not endorse candidates, be given sponsorship of the debates.

At this juncture, Chairman Bedford recognized Mr. Michael Cascio, Director of Public Affairs, WPVI-TV, to speak on behalf of his organization's application.

Mr. Cascio summarized his experience in organizing debates. He said that if the Commission wants the debates to work, if it wants the integrity of the process protected, then it needs to choose an organization that is experienced in organizing and broadcasting debates. He said that the Commission should strive, through its selection process, to protect the fairness of the debate procedure. Mr. Cascio said that by definition, a news organization is unbiased, fair, and neutral. He said that since this is the first time that the Commission is working through this process, it is critically important that it be done properly because it is setting a standard for the future. It wants the process to be perceived as honorable, and it should desire to give a good impression with the public for the future, he added. Mr. Cascio indicated that a second standard of importance is that the debates be widely televised. He said that it is important that as many voters as possible watch the debates. He said that WPVI-TV can guarantee that this standard is met.

Finally, Mr. Cascio said that it is essential that these debates be promoted so as to make the debates reach as many people as possible. He said that WPVI-TV and WABC-TV will advertise these debates during popular programming, thereby reaching a large audience.

Mr. Cascio mentioned that the Lautenberg/Dawkins debate (sponsored by WPVI-TV) had very high viewer ratings. Mr. Cascio said the entire affair, including format, must be credible and honorable.

Mr. Cascio, in ending his remarks, said that another factor to be considered is location. He said that the News Studio in Trenton, opening up tonight, demonstrates that WPVI-TV has a real commitment to New Jersey and can provide an excellent location, within a good environment, for the debates.

In conclusion, Mr. Cascio commended the regulations on debates that have been proposed by the Commission. He said that they will go far toward maintaining control over the process.

Chairman Bedford asked if the television network had any specific dates in mind.

Mr. Cascio said that he did not have any specific dates in mind at this point, but that they would be worked out as the process moves ahead.

Chairman Bedford asked if the television network had any time slots in mind.

Mr. Cascio said that he could not be specific but that the station would adhere to guidelines in the statute.

Commissioner Linett asked Mr. Cascio to indicate the time slot for which he would aim. He said that the Commission was breaking new ground, and that, while it was not embarking on a judicial proceeding, and had latitude to select a sponsor, it was important for the Commission to have an idea about the time slot in which the debates would be held. He said that 7-8 p.m. would be an excellent time for the debates to be held.

Mr. Cascio said that while he could not speak with experience about the primary election, he could speak with authority about the Lautenberg/Dawkins debate in the general election. He said WPVI-TV sponsored this debate in prime time. He said that he would like to commit to 7-8 p.m., but that other programming considerations were important. Also, he said that he could not speak for the New York affiliate.

Commissioner Linett asked about the drawbacks in not having a live audience in attendance at the debates.

Mr. Cascio said that the Presidential debates showed how the audience could get out of hand, even as in the case of those debates, when the Secret Service screens the people attending. He said that the station is in favor of not having audience participation in that these are televised events.

Vice Chairman McNany asked Mr. Cascio how he felt about the issue of endorsements.

Mr. Cascio responded that the station does not endorse candidates in the primary election. He said that it wanted to avoid the appearance of impropriety and maintain a reputation for fairness and neutrality.

Chairman Bedford recognized Ms. Ann L. Auerbach of the League of Women Voters.

Ms. Auerbach said that the League looks upon this debate selection process very favorably. She said that it has submitted a very thorough application.

Ms. Auerbach said that, with respect to endorsements, the League never endorses candidates. She said that this question is not an issue for it. She said that the League has always upheld strict standards of non-partisanship.

Chairman Bedford asked: "In what time slot is the League proposing to hold these debates?"

Ms. Auerbach responded that the League would seek to have the debates held in prime time.

She said that the League had a commitment to providing information to the public and would accomplish this in a non-partisan way.

Commissioner Linett asked if the League would sponsor two or four debates in the primary election.

Ms. Auerbach said that the League would indeed sponsor either two debates (one for each party) or four debates, but that it could not sponsor just one debate. She said that this is the League's policy because of the League's history of non-partisanship. Ms. Auerbach said that for the League to sponsor only one debate would give the appearance of partisanship and be violative of the spirit of non-partisanship it has always cultivated.

Ms. Kathryn Henry, also from the League of Women Voters, asked to speak.

Chairman Bedford recognized Ms. Henry and asked what plans the League had for widely promoting the debates, as well as broadcasting them.

Ms. Henry said that the League has developed many contacts through the years and would utilize them to promote the debates. She also indicated that the League would work through WNET-Thirteen and New Jersey Network to widely broadcast these debates. She said that WNET-Thirteen would also tape-delay the debates in its entirety.

Commissioner Linett said that the Mercer County Chamber of Commerce does not seem to qualify because it has not held a state-wide debate. He said that the Asbury Park Press seems to be disqualified because it will not give up its right to endorse after the debate. He said that though we may change the

proposed regulation, we should stick to the regulation at this point. He said also that New Jersey Network with the Rutgers Department of Journalism and mass media are disqualified because the statute requires that an organization be non-public. Commissioner Linett said that WNET-Thirteen was a possibility but that it did not reach as wide an audience as WPVI-TV or WABC-TV.

Commissioner Linett said that it would be in the best interest of the public for a commercial television network such as WPVI or WABC to run a debate as well as a non-partisan group such as the League of Women Voters. Commissioner Linett proposed that the debate sponsorship be given to these two organizations.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 4-0, the Commission approved the applications of WPVI-TV/WABC-TV, and the League of Women Voters for debate sponsorship.

7. Advisory Opinion Request No. 06-1989

Legal Director Nagy circulated a draft response to this advisory opinion request, submitted by James N. Citta, Esq., which involved whether or not a political party committee or another continuing political committee (CPC) can expend funds for legal fees and costs.

The specific committee in question is the Point Pleasant Republican Organization.

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission approved the draft response which stated that an expenditure of money for legal fees by a CPC is permissible.

Commissioner Linett suggested that staff contact Mr. Citta to determine the exact name of the CPC.

8. Advisory Opinion Request No. 07-1989

This advisory opinion request from State Senator Richard Codey was discussed briefly at the March 2, 1989 Commission meeting. This request asks for guidelines regarding any campaign reporting responsibilities incurred as the result of pre-candidacy activities undertaken on behalf of a possible campaign for Governor in 1989 by Senator Codey.

Chairman Bedford said that he was concerned about the Commission extending its surplus funds regulations and restrictions to a "testing the waters" committee. He said that he believed that the Commission decided earlier that it did not have jurisdiction over "testing the waters." "If this is so," he continued, "how can it now tell Senator Codey that he must adhere

to guidelines for surplus campaign funds use?" He said this is not a campaign committee but a "testing the waters" committee.

Legal Director Nagy said that the new public financing law contains "testing the waters" language. He said that Section 8(c) of the statute, can be interpreted to contemplate the reporting and regulation of any funds raised for "testing the waters" but remaining unexpended for that purpose. Any money not spent for "testing" is not subject to the "testing" exemption of Section 8(a), and therefore may be viewed as subject to the Reporting Act as political contributions.

Counsel Farrell said that he is less confident than Legal Director Nagy that this argument is defensible in court. He said that it is a reasonable approach but that he has difficulty getting to the status of these funds being comparable to surplus funds. He said that he has concerns about the Commission stretching the law to get reporting. He said that Legal Director Nagy is addressing a concern the Commission has always had about using funds raised for political purposes for personal use.

Chairman Bedford asked if "testing the water" language is now in the statute.

Legal Director Nagy responded that these words are now in Section 8 of the statute.

Commissioner Linett said that he shared the same concerns that Chairman Bedford originally voiced. He said that the advisory opinion should simply advise the following: 1) that "testing the waters" activity need not be reported and 2) that any funds used for political purposes should be reported. Commissioner Linett said further that the advisory opinion should suggest that as long as a candidate complies with the surplus funds regulations, he would be in compliance with the law.

Chairman Bedford said that Legal Director Nagy's concern is that the Commission and the public should know who gave to the "testing the waters" committee if the funds are transferred to another candidate.

Counsel Farrell said that it may be far-reaching to take that step because there is no clear danger that at the time the contributors made the contributions to the "testing" committee, they were made as a subterfuge for giving to another candidate. He said the Commission has to assume that the contributions were made to the "testing the waters" committee for testing purposes.

Commissioner McNany asked: "If a \$10,000 contribution is given to a testing committee and then in turn given to another candidate, then under Counsel Farrell's view, the contributors would never be disclosed?"

Commissioner Linett said that the Legislature answered these questions for the Commission. He said that the Legislature permitted these funds to go unreported. Commissioner Linett said that if the funds are used for political purposes, then this usage should be reported in the same way that a political committee would report them.

Commissioner Linett said that charitable contributions should not be reported. He said that the Commission should merely suggest that these funds be treated as surplus funds and that the same standards should apply.

Executive Director Herrmann said that by implication, then, the Commission should advise that the money should not be used for personal use. He said that the personal use prohibition in an important part of the surplus funds regulations and that the advisory opinion should point out that personal use would be prohibited.

Counsel Farrell said that he saw no problem with saying that the closest regulatory guidelines that could be made to apply to "testing the waters" is the surplus funds regulations. Therefore, he said, the Commission could suggest that the balance of funds in the "testing" account be expended in accordance with that regulation. He said that this would be a reasonable approach. Legal Director Nagy expressed concern that if unspent "testing" funds are entirely exempted from reporting there is no jurisdictional basis for the Commission to regulate how they are used.

Commissioner Linett suggested that the advisory opinion response contain the following guidelines:

- 1) that "testing the waters" funds are not reportable;
- 2) that any funds spent in the past that were not within the purview of "testing the waters" would be reportable;
- 3) that leftover "testing" funds used for political purposes must be reported; and
- 4) that standards applied to the usage of surplus funds will be applied.

On a motion by Commissioner Linett, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission directed Counsel Farrell to redraft the advisory opinion consistent with the aforementioned guidelines.

9. Public Financing General Election Regulations

Legal Director Nagy circulated a draft text of proposed public financing general election regulations. He said that the Commission is building upon the regulations already proposed for the gubernatorial primary public financing program. For complete details of these proposals, see the proposals for the primary election as contained in the February 21, 1989 Public Session Minutes. Also, see the March 17, 1989 memorandum from Executive Director Herrmann to the Commissioners entitled, "Gubernatorial General Election

Regulations," and the actual text of the proposed general election regulations.

Legal Director Nagy said that a large part of the proposals for the general election contain the changes in the thresholds and limits to implement the new law. Also included are the debate sponsor guidelines and the regulations on political communications.

Legal Director Nagy said that the major substantive change from the primary proposals may involve the debate sponsor endorsement issue in the general election. He said that the proposal could be changed to reflect the Commission's view that endorsements would be disallowed prior to the debate, but not afterward.

The Commission agreed that this change should be made.

Legal Director Nagy said that another change from the primary proposals involved language to reflect the changes in the public financing law regarding limits on county and municipal committee. He said that the new regulatory proposal (N.J.A.C. 19:25-15.39) stipulated that county committees and municipal committees in that county can spend up to \$10,000 on behalf of the gubernatorial candidates. Legal Director Nagy said that the regulation adopts the advisory opinion issued in 1981, and specifies therefore that these political party committee expenditures must be counted against the gubernatorial candidate's expenditure limit. He said it does not appear to be in conflict with the Kean case holding because the Kean case does not address expenditures by political party committees.

Commissioner Linett suggested that on Page 13, the words "by the Legislature" should be inserted after the word "appropriated." Thus, in 19:25-15.44 (d), the last sentence should read: "Such reimbursements shall not be made if adequate funds are not appropriated by the Legislature to reimburse all counties." Legal Director Nagy noted that under the proposed regulation, no reimbursements would be made to county governments for printing and mailing costs of candidate ballot statements unless the program is fully funded.

On a motion by Commissioner Axtell, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission approved the General Election Regulations as proposed by staff as well as the amendment suggested by Commissioner Linett.

Executive Director Herrmann commented at this point about the workload of the public financing staff. He said that depending upon how the submissions come in, the staff could be greatly taxed. He said that it is possible that Representatives Florio and Courter may make submissions for the maximum amount in public funds on the same submission date. He said that in this event, it would be very difficult for staff to review the submissions and recommend certification of public funds within only a two-week period. He

noted that the statute states that the certification process must be completed "promptly" and that staff would endeavor to complete the process as quickly as possible.

10. Public Funds Certification

Director Massar reviewed the applications for public matching funds. She said that on March 6, 1989, the Commission received five submissions for matching funds. She said that the submissions were from primary election candidates Gerald Cardinale, Cary Edwards, William Gormley, Chuck Hardwick and Alan Karcher. Director Massar said that a total of \$1,575,737 in contributions were submitted for match, involving the review of 2,652 individual transactions. Director Massar said that staff reviewed almost three times the dollar amount and almost twice the number of contribution transactions as contained in any 1985 primary election submission.

At this point, the Commission reviewed the submissions and certified them individually. They were:

1. Candidate Chuck Hardwick

The net amount submitted by candidate Hardwick for match was \$104,893. A complete review of all items resulted in temporary refusal of 39 contribution items. It was determined that \$93,168 was eligible for match at the 2:1 ratio.

Staff therefore recommended that the Commission certify \$186,336 in matching funds. Since this is candidate Hardwick's second submission, the Commission has now certified a total of \$640,698 in matching funds to this candidate.

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission certified \$186,336 in matching funds to candidate Chuck Hardwick.

2. Candidate Gerald Cardinale

Candidate Cardinale submitted a net amount of \$173,760 for match. This was candidate Cardinale's first submission and based on its review, staff deemed this candidate to be qualified to receive matching funds. Staff temporarily refused 45 contributions for match bringing the total eligible for match to \$156,775. After subtracting \$50,000, staff deemed \$106,775 to be eligible for match.

Based on a 2:1 ratio, staff therefore recommended that \$213,550 be certified by the Commission in matching funds.

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission approved the certification of \$213,550 to candidate Gerald Cardinale.

Commissioner Linett said that he was bothered by the use of the word "rejection" in regard to technical errors in candidate submissions. He suggested that the staff use the phrase "presently ineligible for match" instead of the word "rejection," which makes it seem as if the candidates may have done something wrong.

3. Candidate Cary Edwards

Director Massar noted that the Edwards submission arrived at 12:30 p.m. on March 6, 1989. She said that the late submission was due to the snow storm on that date. Director Massar said that Mr. Cohen, treasurer of the campaign, was requesting that this submission be accepted as timely.

Commissioner Linett said that he believed that the submission should be considered timely filed. He said that the inclement weather constituted a reasonable excuse.

On a motion by Commissioner Linett, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission permitted the submission to be considered timely filed.

The net amount submitted for match was \$595,000. This submission was candidate Edward's first and based on its review, staff deemed this candidate to be qualified to receive matching funds.

Staff temporarily refused 139 contribution items for match, bringing the total eligible for match to \$424,525. After subtracting \$50,000, staff deemed \$374,525 to be eligible for matching at a 2:1 ratio.

Staff therefore recommended that \$749,050 be certified by the Commission in matching funds.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 4-0, the Commission approved the certification in the amount of \$749,050.

4. Candidate William Gormley

Commissioner Linett asked: "What was the most common error found in the submissions?" Director Massar said that the most common error lay in staff's inability to determine from the documentation whether contributions were from corporations or individuals.

This submission was candidate Gormley's first and based on its review, staff deemed this candidate to be qualified to receive matching funds.

Of the \$500,860 net amount submitted for match, staff temporarily refused 283 contribution items for match, bringing the total eligible for match to \$358,855. After subtracting \$50,000, staff deemed \$308,855 to be eligible for matching at a 2:1 ratio.

Staff therefore recommended that \$617,710 be certified for match.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 4-0, the Commission approved the certification in the amount of \$617,710.

5. Candidate Alan Karcher

The net amount of this submission was \$186,174. This submission was candidate Karcher's first and based on its review, staff deemed this candidate to be qualified to receive matching funds.

Staff temporarily refused 46 contribution items for match, bringing the total eligible for match to \$151,274. After subtracting \$50,000, staff deemed \$101,274 to be eligible for matching at a 2:1 ratio. Staff therefore recommended that \$202,548 be certified for match.

On a motion by Commissioner Linett, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission approved the certification of \$202,548.

11. Executive Session

On a motion by Commissioner Linett, seconded by Commissioner Axtell and passed by a vote of 4-0, 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.

12. Adjournment

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission voted to adjourn at 1:40 p.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.