



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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COMMISSIONER

PUBLIC SESSION MINUTES

AUGUST 15, 1989

Except for Commissioner Axtell, 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 9:40 a.m. at the Commission offices, 28 West State Street, Trenton, New Jersey.

1. Approval of Public Session Minutes of July 18, 1989

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the Public Session Minutes of July 18, 1989 with the following corrections: the word "public" to be substituted for "publicly" on page 15 of the minutes as circulated [page 8 of final text of minutes], and the word "practicalities" to be substituted for "practicability" on page 20 of the minutes as circulated [page 11 of final text of minutes].

2. Executive Directors' Report

Executive Director Herrmann advised the Commission of the death of Dick Willis, COGEL Chairperson-Elect, of Manitoba, Canada.

A. Fiscal Year 1991 Budget Priorities

The Executive Director reviewed the Commission's proposed budget for FY1991 and outlined the five areas the Commission is targeting as priorities.

Executive Director Herrmann said that the Commission will first seek to restore the money that was cut from the FY1990 budget. In addition, the Executive Director said the Commission would be proposing that the Commissioner's per diem be increased from \$250 to \$500. He said that funding would be sought to cover this increase as well as an increase in the number of meetings from 15 to 18.

Executive Director Herrmann said an increase in funding would be sought to cover the increased cost of supplies, printing, telephone, postage, and photocopying. He said that these increases have resulted from staff growth and inflation.

The Executive Director indicated that the fourth priority would be obtaining funding for the four hourly positions that were converted to fulltime positions two years ago as the result of the Governor's initiative to move away from temporary employment. The Commission has had to absorb these base salaries, including annual increments and benefits, in its regular salary budget without the benefit of an increase in the salary account to compensate for these positions.

Executive Director Herrmann said the Commission would also be asking for funding to establish two new positions, an Assistant Systems Administrator and a Legal Secretary. He added that various other positions needed by the Commission were footnoted in the planning documents submitted by the Commission.

Executive Director Herrmann said that the total value of the five targeted priorities would amount to \$200,000.

B. Proposed Service Cuts

Executive Director Herrmann announced several service cuts that have been precipitated by a reduction of a quarter of a million dollars in the Commission's original FY1990 budget target. The Executive Director said that the proposed service cuts have been developed by staff via a planning process that was thorough and complete. Executive Director Herrmann reported that the plan includes policies already in effect as well as new initiatives that will become effective in the near future.

The Executive Director said that all overtime will be eliminated. He said that the existing policy of making only gubernatorial and legislative reports available 48 hours after filing will be continued. Other reports will be made available as time permits. Executive Director Herrmann announced that during filing periods, requests for photocopies and computer printouts will be limited to current reports. Moreover, he said that the normal turn-around period for photocopying and printouts will be extended from one to two weeks.

Executive Director Herrmann noted that the production of reports and manuals will be done either in-house or by the State printer. He said that there were time considerations when dealing with the State printer, however.

The Executive Director indicated that non-essential publications will be distributed by bulk mail, a practice that is already in effect. He said that the Commission would recommend to the Office of Administrative Law (OAL) that all ELEC hearings be held in Lawrenceville as opposed to Newark.

Executive Director Herrmann assured the Commission that the staff would maintain its current level of research activity. He said that there

would be no increase in this activity, however. He said that the gubernatorial primary and general election public financing audits would be postponed and that, while the administrative work would be done pursuant to the ballot statement program, this gubernatorial program would not be funded. He said that he hoped that county governments would fund this program.

Executive Director Herrmann also proposed a regulatory change which would increase photocopy and computer printout fees. He said that an additional change, one which would reduce the number of hours the Commission keeps its doors open to the public, may be proposed at a later date.

Executive Director Herrmann said that the service reduction program he outlined is a responsible one. He said that it will maintain basic services with an eye to the possibility of more cuts within FY90.

C. Assemblyman Martin Meeting

Executive Director Herrmann said that on August 3, 1989, Deputy Director Brindle and Legal Director Nagy met with Assemblyman Robert Martin to discuss ELEC's annual report proposal to find alternate ELEC funding sources. Assemblyman Martin is interested in this proposal and is awaiting research that is underway on White Paper Number 4.

D. Personnel

Executive Director Herrmann said that Investigator Linda Owens has resigned to attend law school and that Assistant Director of Compliance and Information Rachel Herrmann has resigned to attend graduate school. He said that both did an excellent job and will be missed.

E. Meeting Schedule

The Commission changed its regular meeting slated for September 19 to September 26 and scheduled telephone meetings on September 12 and September 19 to act on public financing applications, or any other emergent matter that may arise.

F. Congratulations to Judge Bedford

Executive Director Herrmann said that congratulations were in order for Judge Bedford who was unanimously reappointed to the Commission.

3. Request for Emergent Procedures for Public Financing Allocation and Expenditure Limit Complaints

On August 1, 1989, the Commission received a letter from Mr. Angelo J. Genova, General Counsel of the Florio For Governor Committee, which asked the Commission to consider emergent procedures for adjudicating complaints regarding the allocation of third party campaign expenditures against the expenditure limit of a gubernatorial candidate. In Mr. Genova's letter

dated July 31, 1989, he suggests that the Commission conduct such proceedings even in advance of the statutory dates by which gubernatorial candidates must report their expenditures, and that the Commission shift the burden of proof in such complaint proceedings from the complainant to the respondent.

In a memorandum from Gregory E. Nagy, Legal Director, to Frederick M. Herrmann, Ph.D., dated August 2, 1989 and entitled "Florio Campaign Request for Emergent Procedures," Mr. Nagy recommended that the Commission respond in the following manner:

1. that, as per the policy of the Commission in both the 1981 and 1985 gubernatorial elections, arrangements be made with the Office of Administrative Law (OAL) in the Department of State to have administrative law judges on call to conduct expedited hearings during the weeks preceding the primary and general elections. OAL has indicated a willingness to hear again emergent complaints related to the gubernatorial election in 1989;
2. that, with respect to a determination on an allocation question prior to the filing of the relevant campaign cycle report, a gubernatorial candidate cannot be made the subject of a complaint proceeding concerning allocation of expenditures reporting until such time as that candidate is statutorily obligated to report expenditures; and
3. that, with respect to the recommendation that the burden of proof be shifted in an allocation complaint matter to the respondent, the New Jersey Supreme Court, in the Friends of Tom Kean, said that proof of "coordination" was a necessary part of any such complaint. Before the burden of proof can be shifted to the responding gubernatorial campaign, the complainant must present evidence not only of an unambiguous election reference and expenditure by a third party, but also that coordination between the third party and the gubernatorial campaign occurred in relation to the expenditure.

Chairman Bedford asked if Legal Director Nagy had spoken with anyone from OAL about this matter, and whether OAL had responded in writing.

Legal Director Nagy said that he had spoken with OAL staff, and that the OAL has agreed to provide emergent proceedings during the course of the gubernatorial campaign.

Chairman Bedford said that fact finding on an emergent basis would be necessary. He said that the Commission could meet daily, but that in his opinion it would not be wise to do so.

Commissioner Linett said that he did not have a problem with the OAL handling gubernatorial related cases in this manner. He said, however, that

the Commission, nevertheless, must turn allocation matters over to the OAL expeditiously.

Legal Director Nagy said that while he cannot speak for OAL, it certainly was his understanding that the OAL would decide these matters before election day if possible. He said that this policy was in force in past elections, and while there is no example to cite of the OAL undertaking to consider a gubernatorial complaint using the emergent procedure, it has always been understood that cases would be decided expeditiously.

Counsel Farrell added that emergent procedures imply that a complaint can be brought and that the complainant can leave the judges' chambers with a decision in hand.

Chairman Bedford asked if the Commission had any prior experience in this area.

Legal Director Nagy said that it did not.

Chairman Bedford stated it is still ultimately the Commission's decision, and the Commission would have to meet to ratify the decision of the OAL. He said that the Commission would not do fact-finding.

Commissioner Linett said that his concern is that matters such as this cannot wait even until two days before election day to be decided. He said that perhaps questions dealing with the allocation issue are best dealt with as advisory opinions.

Counsel Farrell said that advisory opinions tend to come in ahead of time and are the better vehicle for dealing with specific questions about allocating expenditures against gubernatorial spending limits.

Chairman Bedford asked for a motion to affirm the staff's recommendation that a procedure be established whereby the OAL would conduct emergent proceedings in gubernatorial cases.

Commissioner Linett asked how the Commission would be informed of complaints that required emergent action.

Legal Director Nagy said that staff will communicate with the Commission about a complaint as soon as staff receives one. He said that a copy of the complaint would be circulated to the Commissioners immediately, and filed with OAL. The administrative law judge would establish a hearing schedule.

Chairman Bedford suggested that a telephone meeting could be held as quickly as possible following the receipt of an initial decision involving the gubernatorial campaign.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the staff recommendation of asking the OAL to establish emergent hearing procedures relative to the gubernatorial campaign.

The Commission authorized staff to provide the public with copies of the recommendations prepared by Legal Director Nagy.

Chairman Bedford recognized Mr. Angelo Genova, Counsel to the Florio campaign, for comment on this issue.

Mr. Genova said that in raising this issue originally, he had sought to clarify when an allocation complaint becomes ripe as well as what standards would be applied to insuring a timely resolution of the problem.

Mr. Genova said that he is looking for guidance with respect to how to bring a compliance complaint. He asked what the procedures would be. He queried: What standards would be applied either by the Commission or the OAL? Mr. Genova asked whether the standard would be "probable cause" or "preponderance of evidence."

Chairman Bedford recognized Mr. Scott Weiner, treasurer of the Florio campaign. Mr. Weiner asked for clarification with respect to whether the Commission, or the campaign, would be party to the complaint. Mr. Weiner asked: "If the campaign is to be party to the complaint, then does the campaign have standing with OAL?" Mr. Weiner asked if a gubernatorial campaign has standing to file a complaint with the OAL.

Chairman Bedford said that the complaint would be filed with the Commission and the Commission would refer it to the OAL.

Counsel Farrell said that the Commission should follow OAL procedures and that it cannot establish standards in advance as to when it will refer a complaint to the OAL.

In addition, Counsel Farrell said that the question of whether the Commission would be a party to the complaint cannot be answered in advance. Counsel Farrell said the Commission cannot decide these issues in the abstract. He said that the Commission could only make these decisions with an actual complaint before it.

Commissioner Linett said that it is speculative at this point to determine exactly how the Commission would proceed if an allocation complaint were brought. He said, however, that Mr. Genova's point about the need for timeliness is well taken.

Chairman Bedford said that the Commission would entertain further comments with respect to this issue later in the meeting, once the

interested parties had an opportunity to read Legal Director Nagy's recommended procedure.

4. Approval of Public Financing Funds

July 24, 1989 submission

A net amount of \$1,215,634 was submitted by Candidate Jim Florio on July 24, 1989. This submission was Candidate Florio's initial one for the general election. Director of Public Financing Massar indicated that Candidate Florio filed a signed Statement of Agreement to participate in 1989 General Election Debates and submitted documentation of the expenditure of \$150,000 for the 1989 general election. The Florio Campaign had therefore met the requirements for receipt of public funds for the 1989 general election. As a result of a complete review, staff deemed a total of \$1,109,259 to be eligible for match. This amount is minus the \$50,000 required to be subtracted from the first \$150,000 certified as eligible for match as per the public financing statute. Also, 55 contributions were deemed to be ineligible for match at this time, the amounts of which were subtracted from the initial submission amount.

On the basis of the 2:1 matching formula, staff therefore recommended that a total amount of \$2,218,518 be certified in public funds for Candidate Jim Florio.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the certification of \$2,218,518 in public funds to Candidate Jim Florio.

August 7, 1989 submission

A net amount of \$205,610 was submitted for match by Candidate Jim Florio on August 7, 1989. This submission was Candidate Florio's second submission.

As a result of a complete review, staff deemed \$200,610 to be eligible for match. On the basis of the 2:1 matching formula, staff therefore recommended that a total of \$401,220 be certified in public funds to Candidate Jim Florio.

On a motion by Vice Chairman McNany, seconded by Chairman Bedford and passed by a vote of 3-0, the Commission certified a total of \$401,220 in public funds to Candidate Jim Florio.

Thus far, the Commission has certified a total of \$2,619,738 in matching funds to Candidate Florio.

5. 1989 General Election Debate Calendar

Director of Public Financing Nedda Massar reviewed the 1989 General Election debate calendar pursuant to the memorandum from Frederick M. Herrmann, PH.D., to the Commissioners, dated August 7, 1989 and entitled 1989 General Election Debate Calendar.

Director Massar indicated that the Asbury Park Press has arranged for its debate to be held Monday, September 25, 1989 at 8:00 p.m. - 9:00 p.m. The debate will be held at Monmouth College, West Long Branch, New Jersey, and will be televised by WWOR/TV9 and WKYW/TV3.

According to Director Massar, the WPVI/TV6 and WABC/TV7 debate is scheduled for Wednesday, October 11, 1989 from 7:00 p.m. - 8:00 p.m. at the Trenton studios of TV6.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the debate schedule as presented.

6. Advisory Opinion Request No. 16-1989

This advisory opinion request, submitted by Paul Jancu on behalf of Marine Midland Capital Markets Corporation (MMCMC), concerns the legality of MMCMC making contributions to political candidates in New Jersey. This request was prompted by the Commission's denial of public matching funds pursuant to N.J.S.A. 19:44A-33, as amended P.L. 1989, c.4, Section 6, for a \$750 contribution by MMCMC to the 1989 gubernatorial primary election campaign of Alan Karcher. Denial of matching funds for the contribution was based upon the statutory prohibition against contributions to New Jersey candidates by banking corporations pursuant to N.J.S.A. 19:34-45.

The draft response informs Mr. Jancu that the Commission lacks the statutory jurisdiction to provide an advisory opinion in the matter. It advises Mr. Jancu that the State Attorney General has the authority to rule in such matters and states that the Commission will refer the advisory opinion to the Attorney General for his consideration.

The draft response states that the Commission will request that an answer be provided to clarify whether MMCMC can contribute to candidates in the 1989 primary and general elections and other future elections.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the draft response as written. The matter is to be referred to the Attorney General for a response.

7. Advisory Opinion Request No. 17-1989

This advisory opinion, submitted by Linda B. Bowker, Chair of the National Organization for Women-New Jersey PAC (NOW-NJ), asks for guidance on how NOW-NJ PAC may legally proceed with an independent campaign in the gubernatorial election. Ms. Bowker states that NOW-NJ PAC will undertake its spending independently of the Jim Florio campaign. The advisory opinion request asks for guidance with respect to NOW-NJ PACs filing requirements and whether any spending limits would be imposed on NOW-NJ PACs efforts. In the advisory opinion request Ms. Bowker asks also whether money raised via a voter pledge card mailing, which money, according to Ms. Bowker, would be used for only educational activities, can continue to go to NOW-NJ or must be transferred to NOW-NJ PAC.

Finally, Ms. Bowker asks if NOW-NJ PAC endorses Jim Florio for Governor, can NOW-NJ PAC still be considered to be running an independent campaign.

Legal Director Nagy prepared the draft response which answers each question individually.

With respect to the question of whether NOW-NJ PAC can make unlimited independent expenditures on behalf of candidate Florio, the draft response states that both the United States Supreme Court and the New Jersey Supreme Court have held that truly independent expenditures made without the consent of, consultation with, or coordination with, any candidate are constitutionally protected forms of free speech that cannot be limited in total amount.

Regarding the reporting requirements that must be observed by NOW-NJ PAC in making the independent expenditures, the draft response states that an independent expenditure is subject to all of the reporting and disclosure requirements of the Act and advises NOW-NJ PAC that, in addition, a sworn statement to the effect that the expenditures were made without the cooperation, prior consent, or in consultation with the gubernatorial campaigns, is required to be filed with the Commission.

With respect to the question of whether NOW-NJ has any filing requirements regarding fundraising utilizing the submitted voter pledge card, the draft response states that in the absence of "express advocacy" the donations in response to this card cannot be deemed to be campaign contributions and as such are not reportable unless "express advocacy" is contained in other supporting materials or circumstances not submitted in the fact record of the advisory opinion request.

Regarding the question of whether NOW-NJ is required to report expenditure of these funds for "educational purposes," the draft response states that the Commission cannot give guidance on this question because the phrase "educational purposes" is too vague.

Finally, with respect to the question of whether filing is required of NOW-NJ PAC, if funds generated by the voter pledge card distributed by NOW-NJ are deposited in the bank account maintained by NOW-NJ PAC, the draft response stipulates that in such a case the donations would be construed as campaign "contributions" subject to reporting under the Act. It states that the funds would have to be reported in the appropriate quarterly report filed by NOW-NJ PAC.

In relation to this advisory opinion, the New Jersey Republican State Committee (NJGOP) submitted a four-page written statement in response to this request. The written statement is dated August 14, 1989. It is from Kathleen A. Donovan, Chairwoman, Republican State Committee.

The written statement asks the Commission to acknowledge an "alarming trend that threatens the integrity of the gubernatorial expenditure limits as they relate to this years' race." The State GOP contends that this trend is being brought about by several national groups that want to run independent campaigns for Democratic candidate Jim Florio. With respect to the NOW-NJ PAC request, the Republican State Committee charges that "NOW's intended campaign would be less than independent and therefore its costs would be allocable to Mr. Florio if their expenditures were made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, the Florio Team." The State GOP asked the Commission to consider that certain organizations closely aligned with a candidate or candidate's party that there should result in "presumed coordination of activities."

In conclusion, the State Republican Committee, in its written statement, asked that the Commission either allocate the cost of NOW's activities to the Florio campaign's spending limit, or in the alternative, that ELEC extend its regulation to have Mr. Florio provide an affidavit to the effect that NOW-NJ's campaign is not coordinated with his.

Chairman Bedford said that the United States Supreme Court and the New Jersey Supreme Court in the 1985 Kean case have issued decisions that constitutionally protect independent expenditures as long as they are truly independent. He said that there is nothing in the law that would prohibit NOW-NJ PAC from making independent expenditures. Chairman Bedford asked that the Commission take up each question submitted by NOW-NJ individually and vote on that basis.

Chairman Bedford, acknowledging that NOW-NJ PAC has every right to make independent expenditures, recognized Mr. Peter Verniero of the State Republican Committee for comment on question number one.

Mr. Verniero said that the State Republican Committee recognizes that truly independent expenditures are permissible but questioned whether NOW-NJ would make expenditures on behalf of Candidate Florio that would be truly independent. Mr. Verniero alleged that Congressman Florio has attended NOW

fundraisers and has lent his support to efforts by the NOW organization to raise money. Mr. Verniero displayed a copy of a newsletter provided in January, 1989, which contains a photograph of Congressman Florio and NOW Chairperson Linda Bowker together at a NOW fundraiser. Mr. Verniero said that the newsletter shows that Congressman Florio was at Ms. Bowker's home raising money.

Chairman Bedford recognized Ms. Linda Bowker, NOW-NJ Chairperson.

Ms. Bowker said that the fundraiser was held during the summer of 1988 and had nothing to do with the gubernatorial campaign. Ms. Bowker said that NOW-NJ PAC was working for abortion rights, not Candidate Florio.

Chairman Bedford said that the Commission was in the process of deciding on a response to an advisory opinion request that would have to be based on the facts as presented by NOW-NJ PAC. He suggested that if the Courter Campaign had reason to bring a complaint in this matter, it should do so. Chairman Bedford said that the court allows independent expenditures. He said that based on the facts presented in the request, the Commission cannot prohibit these expenditures from being made.

Mr. Genova said that he wanted to confirm, for the record, that there has been no cooperation, consultation, or coordination between the Florio campaign and NOW-NJ PAC.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission approved the draft response with respect to question number one.

The Commission next considered the draft response to question number two.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the draft response to question number two.

The Commission considered the draft response to question number three.

Legal Director Nagy clarified that the Commission is not talking about NOW-NJ PAC in its response to this question, but NOW-NJ itself.

Chairman Bedford asked if NOW-NJ would have to report if it supported or opposed an issue position.

Legal Director Nagy said the case law holds that if speech is undertaken only with respect to an issue, regardless of political overtones, this effort is not subject to reporting.

Counsel Farrell said that if an expenditure is made in support or in opposition to a public question, then the expenditure is subject to reporting. In the absence of a public question, issues of speech are not subject to disclosure to the Commission.

Legal Director Nagy said that he has limited this response to only the text of the "pledge card" as presented by NOW-NJ. He said that the draft response contains qualifying language to the effect that if there are any other circumstances that make it clear that there is "express advocacy," meaning a statement such as "vote for Smith," then the expenditure would be reportable.

Chairman Bedford recognized Mr. Peter Verniero. Mr. Verniero said that the State Republican Committee does not argue with the Commission's position on independent expenditures. He said that the party merely seeks guidance as to the kinds of factors that would constitute coordination. He said that it would like to know what standard the Commission would use in determining whether an expenditure is independent.

Chairman Bedford said that the Commission cannot determine the standard before it has a matter before it.

Counsel Farrell said that if there is a violation of the reporting law, the complaint cannot be taken up until after the reporting date. He said that the Commission cannot decide the issue in the abstract.

Chairman Bedford recognized Mr. Genova. Mr. Genova said that as a point of clarification, it seems that the standard the Commission is applying is that when the complainant thinks there is compelling evidence of coordination, then the complaint can be brought and the Commission will hear it.

Chairman Bedford said that the Commission cannot answer this question definitively at the present time.

Counsel Farrell said that a major consideration for the Commission will be whether the complaint is ripe.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission approved the draft response to question number three.

The Commission considered question number four.

Commissioner Linett recommended that the Commission respond only by stating that the Commission cannot answer the question because this question is too vague.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission approved the draft response to question number four as amended. Only the first sentence stating that the question is too vague to answer will be included.

Finally, with respect to question number five, Chairman Bedford said that he was concerned about the possibility of NOW-NJ raising money and then turning it over to NOW-NJ PAC. He said that under these circumstances, the disclosure laws could be dodged. He said that he believes that there should be an understanding that if NOW-NJ raises money, it cannot be passed through to NOW-NJ PAC without then requiring NOW-NJ to report its contributions. Chairman Bedford said that he was concerned about disclosure.

Ms. Bowker, representing NOW-NJ PAC, said that NOW-NJ does not transfer money into its PAC. She said that if it goes to NOW-NJ, it is for education and that if it goes to NOW-NJ PAC, it is for political purposes.

Commissioner Linett asked if a CPC is required to file 48-hour notices of contributions made to it during an election campaign.

Legal Director Nagy said that if the CPC does not make any contributions in the election, then the CPC is not required to file 48-hour notices.

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission approved the draft response to question number five.

8. Proposed Amendment Concerning Continuing Political Committee Filings (Forms A-3)

This issue involves a recently promulgated regulation concerning the filing of CPC A-3 filing forms on September 15, 1989. Please see memorandum from Evelyn Ford, Director of Compliance and Information to Jeffrey M. Brindle, Deputy Director, dated August 8, 1989.

Essentially, the staff recommendation is to change the September 15 filing date to January 15, because the September 15 date is not consistent with the statute and is in practice unworkable. The A-3 form was created to expand upon the statute, which requires quarterly reporting by CPC's on a calendar year basis.

Commissioner Linett stated that he still believed that it was important to have CPC's file an A-3 in a time-period close to an election. He said that this was important for disclosure purposes. He said that he could agree to a filing in January as well, but believed a September filing was important.

Director of Compliance and Information Evelyn Ford presented a compromise to address Commission Linett's concern for requiring CPC reporting in a campaign setting. Director Ford suggested that a letter be sent to CPC's in September reminding them of their October 15 filing requirement. She said that in addition to this, CPC's would file A-3 Forms on January 15 instead of September 15.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the recommendation by Director Ford to change the A-3 filing to January 15 and to disseminate a reminder letter to CPC's in September.

The recommendation will be proposed in a regulation change.

9. Resolution To Go Into Executive Session

On a resolution by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission resolved to go into closed, Executive Session to discuss the following matters which will become public as follows:

1. Executive Session Minutes of July 18, 1989, which minutes will only become public if various matters discussed or acted upon become public;
2. Final Decisions recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public 15 days after mailing.
3. Investigative Reports of possible violations, which reports will not become public. However, any Complaint generated as the result of an Investigative Report will become public 30 days after mailing.

10. Adjournment

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission voted to adjourn at 1:40 p.m.

Respectfully submitted,


FREDERICK M. HERRMANN, PH.D.

FMH/jah