



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

TELEPHONE CONFERENCE

OCTOBER 5, 1993

Chairman McNany, Commissioner Eldridge, Executive Director Herrmann, Deputy Director Brindle, Legal Director Nagy, and Director of Public Financing Nedda Gold Massar participated in the telephone conference. Commissioner Linett and Counsel Farrell were absent.

Chairman McNany called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 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 telephonic meeting convened at 10:00 a.m. at the Commission Office, 28 West State Street, Trenton, New Jersey.

1. Approval of Public Financing Funds

Candidate Christine Todd Whitman/Submission 04

On September 27, 1993, Candidate Christine Todd Whitman filed her fourth 1993 general election matching fund submission. On the basis of staff review, it was determined that \$542,856.75 in contributions was eligible for match. Applying the 2:1 matching ratio to this amount results in public funds of \$1,085,713.50 of which \$979,161.74 is necessary to bring the Whitman campaign to the public funds maximum.

A complete review of all items submitted for match resulted in the ineligibility of one hundred seventeen (117) contribution items representing \$51,228.00. The disqualification of 117 items submitted for match results in an ineligibility rate of 5.58 percent.

Staff also reviewed the fourth general election submission of the Whitman campaign to evaluate compliance with the requirement to report the occupation and employer of individual contributors contributing in the aggregate in excess of \$200.00. The campaign demonstrated a compliance rate of 68 percent on this submission and an overall average compliance rate of 81.5 percent.

On the basis of its review staff recommended public matching funds amounting to \$979,161.74 be certified to the campaign of Christine Todd Whitman.

On a motion by Commissioner Eldridge, seconded by Chairman McNany and passed by a vote of 2-0, the Commission certified \$979,161.74 in public matching funds to Candidate Whitman.

2. Advisory Opinion Request No. 08-1993

This advisory opinion request was submitted by Stephen J. Edelstein, Esq., Counsel to the Democratic State Committee (DSC).

Mr. Edelstein is seeking an opinion as to the appropriateness of Campaign '93, an account of the DSC, to file reports on a campaign reporting cycle and not on a quarterly basis. He indicated that although Campaign '93 is a depository of the DSC, it is an account dedicated solely to expenditures associated with the 1993 general election. For that reason, Mr. Edelstein is maintaining that Campaign '93 should be allowed to file on a campaign schedule. Furthermore, Mr. Edelstein would like the Commission to rule that similar committees of the Republican State Committee (RSC) be required to report on the campaign schedule.

For details on the response please see the memorandum from Legal Director Nagy to Executive Director Herrmann dated September 28, 1993 and entitled Advisory Opinion Request No. 08-1993.

Legal Director Nagy responded that in July he received an initial correspondence from Mr. Edelstein stipulating that the DSC planned to have Campaign '93 file according to the campaign schedule. Legal Director Nagy said that in its July 20, 1993 correspondence to Mr. Edelstein, the Commission responded by citing the statute that requires State committees to file on a quarterly basis. He said that in that initial response Mr. Edelstein was told that upon receipt of an amplified fact record, the Commission would consider a request for an advisory opinion on the matter if the DSC so desired.

Legal Director Nagy said that the most recent correspondence from Mr. Edelstein represents a request for an advisory opinion.

Legal Director Nagy stated that the advisory opinion would reiterate the position taken by the Commission in July. He said that the law mandates that State parties file on a quarterly basis and that to permit them to do otherwise would make it difficult for the Commission to monitor for compliance with the contribution limits.

On a motion by Commissioner Eldridge, seconded by Chairman McNany and passed by a vote of 2-0, the Commission approved the staff's recommendation on the advisory opinion response and directed that a response be issued.

3. Adjournment

On a motion by Chairman McNany, seconded by Commissioner Eldridge and passed by a vote of 2-0, the Commission voted to adjourn at 10:14 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.

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