



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

September 19, 1997

Vice Chair Linett, Commissioner Franzese, Commissioner Ware, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present. Chair Martin participated by telephone. Counsel James P. Wyse was not present.

1. Open Public Meetings Statement

Vice Chair Linett called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate 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 4:00 p.m. in Trenton, New Jersey.

2. Consideration of Sabrin for Governor Application for Public Financing Resolution to Go Into Executive Session

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission resolved to go into closed Executive Session to discuss litigation concerning eligibility of Gubernatorial Candidate Murray Sabrin for receipt of matching funds. Vice Chair Linett asked Legal Director Gregory E. Nagy and Deputy Legal Director Nedda G. Massar to recuse themselves from participating in the Executive Session discussion.

3. Return to Public Session

Vice Chair Linett read a statement as follows:

The Commissioners of the New Jersey Election Law Enforcement Commission have carefully reviewed the Initial Decision of the Honorable Beatrice S. Tylutki, Administrative Law Judge in the matter of the application for public financing of the Sabrin for Governor campaign. Because this is an important matter, the Commissioners have not only reviewed the ALJ opinion, but also the supporting exhibits and the briefs submitted.

In determining whether to accept, reject or modify the Initial Decision of the Administrative Law Judge, the Commission has focused on two competing policies of the applicable statute: (a) the need for liberal construction to effectuate the partial public funding of gubernatorial campaigns, and (b) the need for a clear threshold of contributions and expenditures to assure that only viable candidates receive such partial public funding. The Commission has also considered the need for the orderly administration of the Public Financing Law.

The Commission is of the unanimous opinion that the salutary purpose of the public financing law requires that we accept as a fact that the Sabrin Campaign has "substantially complied" with the law and is therefore entitled to partial public funding and that Mr. Sabrin is qualified to participate in the gubernatorial debates.

The Commission therefore adopts the conclusion of the Initial Decision of Judge Tylutki as our Final Decision, insofar as the Judge found substantial compliance with the statute and regulations. However, we modify the Judge's ruling insofar as we conclude that Mr. Sabrin's eligibility for public financing is predicated on his substantial compliance with the statute and regulations and not on the basis of the waiver of our regulations. We direct the staff to process the application for public financing for the Sabrin for Governor campaign and to include Mr. Sabrin in the forthcoming gubernatorial debates. The Commission reserves the right to issue a formal opinion in this matter.

4. Announcement of Special Meeting

Legal Director Gregory E. Nagy announced that the Commission would need to call a special meeting to consider a request for an advisory opinion from the Republican State Committee.

5 Adjournment

On a motion by Commissioner Franzese, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted to adjourn at 6:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director