



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

October 21, 1997

Chair Martin, Vice Chair Linett, Commissioner Franzese, Commissioner Ware, the Counsel, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present.

1. Open Public Meetings Statement

Chair Martin 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 11:15 a.m. in Trenton, New Jersey.

2. Approval of Public Session Minutes of September 9, September 15, September 19, and October 3, 1997

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission approved the Public Session Minutes of September 9, September 15, September 19, and October 3, 1997, as amended.

3. Executive Director's Report

A. Staff Activities

Executive Director Herrmann introduced Darlene Kozlowski of the public financing staff, who has been hired to a permanent position as a messenger. He added that Leila Sabitsana, the computer assistant on the public financing staff, has left for a permanent position outside of the agency.

Executive Director Herrmann spoke about the ongoing upgrades to the Farrell Memorial Conference Room. He mentioned the enlarged seating capacity, better ventilation, and plans for an improved sound system.

Executive Director Herrmann noted that the homepage has been improved to include Commissioner biographies, campaign finance and lobbying statistics from the 80's to the present, and instructions on how to use the new flashfax system.

The Executive Director mentioned links to related sites such as the Center for Responsive Politics (CRP), the Citizens' Research Foundation (CRF), the Council on Governmental Ethics Laws (COGEL), the Council of State Governments (CSG), Common Cause, the Division of Elections in the Department of State, the Federal Election Commission (FEC), and the Brookings Institute. He mentioned also detailed lobbying information, gubernatorial campaign contributors back to 1993, political party financing data, and a link to all U.S. election agencies.

Executive Director Herrmann reported that he spoke on September 11, 1997, at the annual conference of the County Officers' Association. He said that his topic presented at a general session was "the past and future of ELEC."

The Executive Director advised the Commission that he spoke on October 2, 1997, to the Haddonfield 65 Club on the role of ELEC.

Executive Director Herrmann said that he attended a reception on October 8, 1997, for Commissioner Paula A. Franzese, honoring her as the Italian-American Woman of the Year. He commented that her acceptance remarks truly graced the occasion.

B. Legislative Developments

The Executive Director reported that he attended a meeting of the Joint Legislative Committee on Ethical Standards as directed by the Commission for the purpose of seeking guidance on Advisory Opinion No. 6 - 1997. The meeting was on October 8, 1997. Executive Director Herrmann reminded the Commissioners that the advisory opinion concerns whether or not a legislator may use campaign contributions to pay for the attendance of a spouse and children at a legislative conference. He said that the results of the committee meeting will be reported at the November Commission meeting as part of the continued discussion of the advisory opinion.

C. COGEL Conference

Executive Director Herrmann reported on the annual Council on Governmental Ethics Laws (COGEL) conference in Edmonton, Alberta held on September 14 through September 17, 1997 that Vice Chair Linett and he attended. He said that he went to numerous important sessions and brought back materials on campaign finance and lobbying initiatives from across the country and on electronic filing developments too.

The Executive Director reported that contact persons for electronic filing advice were found.

Executive Director Herrmann remarked that the campaign finance update sessions on trends and issues highlighted:

- Use of technology to enhance disclosure,
- Strengthening agency enforcement with higher penalties,
- Contribution restrictions such as bans during legislative sessions, and
- Requiring occupation/employer information.

Executive Director Herrmann added that the lobbying update session on trends and issues highlighted:

- Grassroots lobbying regulation, and
- More frequent filing (in the City of Los Angeles, for example, from annual to semi-annual).

According to Executive Director Herrmann among the topics discussed at the electronic filing discussion roundtable were:

- The COGEL uniform internet project,
- Mandatory vs. voluntary filing,
- The use of diskettes vs. the internet,
- The proper timeframe for setup,
- Types of staffing (in-house or outside),
- The level to start,
- A bare bones approach allowing vendors to add bells & whistles,
- Security, and
- The effect on privacy if addresses are listed on the net.

D. Future Meetings

November 18, 1997, 11:00 a.m., Trenton

December 16, 1997, 11:00 a.m., Trenton

The Commission also plans to hold a special meeting if needed on October 31, 1997 at the Seton Hall Law School in Newark at 12:00 p.m.

4. 1997 General Election Matching Fund Submissions

Staff completed its review of the submissions received on September 29 and October 6, 1997, from Candidates James E. McGreevey and Christine Todd Whitman. The results of that review are summarized below.

McGreevey General Election Submissions 6 and 7

Submission #	Total \$ Submitted for Match	Total \$ Eligible for Match at 2:1*	Amount Deposited	Error Rate
6	\$544,936.33	\$502,146.33	\$1,004,292.66	8.3%
7	\$316,955.00	\$283,680.00	\$ 567,360.00	10.4%

Whitman General Election Submission 7

Submission #	Total \$ Submitted for Match	Total \$ Eligible for Match at 2:1*	Amount Deposited	Error Rate
7	\$231,910.00	\$286,732.00	\$409,416.86**	9.7%

*Total eligible for match after deduction of rejected items in this submission, and addition of items resubmitted for match in this submission and accepted.

**Amount needed to reach the \$4.6 million maximum in 1997 general election public matching funds.

Submissions Received on October 14, 1997

Candidates McGreevey and Sabrin filed public fund submissions on October 14, 1997 reporting net contributions submitted for match as follows:

James E. McGreevey	\$179,830.00
Murray Sabrin	\$ 36,764.59

Preliminary manual review of the McGreevey submission indicated that the error rate was below ten percent. Staff therefore applied the 85% automatic percentage certification process approved by the Commission and deposited \$305,711.00 into the candidate's public funds account.

Preliminary manual review of Sabrin Submission 2 indicated that the error rate exceeded 20 percent. Based upon the automatic percentage certification authorization approved by the Commission, staff contacted Treasurer Louis Stefanelli to explain that the campaign could either wait for complete review of Submission 2 or receive a 70% automatic percentage certification with any balance to be provided at the conclusion of the complete review. Treasurer Stefanelli requested the 70% automatic certification. Therefore, \$51,470.43 was deposited into the candidate's public funds account.

Submissions Received on October 20, 1997

Candidates McGreevey and Sabrin filed public fund submissions on October 20, 1997 reporting net contributions submitted for match as follows:

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James E. McGreevey	\$73,045.00
Murray Sabrin	\$45,982.51

The McGreevey campaign has received \$4,511,308.66 in 1997 general election public matching funds. The \$88,691.34 necessary to reach the \$4.6 million maximum in public funds represented 60.7 percent of the Submission 9 amount submitted for match. Therefore, \$88,691.34 will be deposited into Candidate McGreevey's public funds account.

Review of Sabrin Submission 2, which is not yet concluded, continues to indicate an error rate in excess of 20%. Because this error rate makes an 85 percent automatic certification inappropriate, staff contacted Treasurer Louis Stefanelli to explain that the campaign could either wait for complete review of Submission 3 or receive 70% automatic percentage certification with any balance to be provided at the conclusion of the complete review. Treasurer Stefanelli requested the 70% automatic certification. Therefore, \$64,375.51 will be deposited into the candidate's public funds account.

Total 1997 General Election Public Funds Distributed

Including submissions received through October 14, 1997, public funds totaling \$9,485,570.85 have been deposited for 1997 gubernatorial general election candidates as follows:

James E. McGreevey	\$4,511,308.66
Murray Sabrin	374,262.19
Christine Todd Whitman	<u>\$4,600,000.00</u>
TOTAL	\$9,485,570.85

Staff will report to the Commission on November 18, 1997, on its complete review of the submissions filed on October 14 and 20, 1997, and any additional submissions received.

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission approved the public financing report

4. Expenditure Limit Complaints

For detailed information, please see the gubernatorial expenditure limit complaints contained in packet dated October 21, 1997, and the exceptions filed by Paul Josephson, General Counsel, McGreevey for Governor 1997.

The Commission recognized Paul Josephson, Esq., and Angelo Genova, Esq., each representing the McGreevey for Governor Committee.

Mr. Josephson noted that the contextual issue was not considered by the Commission in issuing its advisory opinion with respect to this matter. Mr. Josephson stated that in its advisory opinion, the Commission emphasized that it was basing its decision not to require

allocation of the cost of the Republican State Committee ad to the Whitman Campaign on the fact that it was viewing the ad on a stand-a-alone basis and not in the context of two other GOP ads. He said that in rendering its decision it left open the door to consideration of this issue on a contextual basis if a complaint was brought and a further record was built as part of the Office of Administrative Law proceedings.

Mr. Josephson said that the McGreevey Campaign subsequently submitted a complaint to ELEC, which was then referred to the Office of Administrative Law. He suggested that the matter was referred to build a more complete record.

In discussing the Initial Decision by Administrative Law Judge Solomon A. Metzger, which held that the GOP ad was generic and did not require allocation, Mr. Josephson reviewed the exceptions filed by the McGreevey Campaign to the Initial Decision.

Mr. Josephson said that that decision holds that ELEC has established a bright-line test of an unambiguous reference to measure whether or not an ad is generic and not allocable against the expenditure limit of a gubernatorial candidate. Mr. Josephson stated that the McGreevey Campaign disagrees with this aspect of the decision. He said that there is more history to the adoption of this regulation, a major part of it being the inclusion of a four-pronged test, which has been the basis of previous advisory opinions.

Mr. Josephson said that the four-prong test included a reference to the "Office of the Governor" and that by using the words "Gov.'s budget" in the ad, the Republican State Committee was making an unambiguous reference to the office of governor, which, under the four-pronged test, would require the cost to be allocated against the Whitman Campaign. Mr. Josephson complained that at the Office of Administrative Law hearing, the McGreevey Campaign was unable to develop a complete record. He said that the Judge did not take the regulatory history into account in making his decision, only the existing regulation.

Peter G. Sheridan, Esq., representing the New Jersey Republican State Committee, asked to be recognized. He objected to Mr. Josephson's comments and stated that the only issue before the Administrative Law Judge was whether or not there was a synergistic link between the Whitman ad and the GOP ads.

Mr. Genova, for McGreevey, responded that this hearing is supposed to be a *de novo* review and that a Commission advisory opinion is not a litigated proceeding. He said that it is his understanding that the Commission would render a decision today based on the facts that have been developed at the Office of Administrative Law hearing. He said that this procedure is what he believed the Commission was stipulating when it issued its advisory opinion.

Samuel Destito, Esq., representing Whitman for Governor, objected. He said that the McGreevey attorneys were simply repeating arguments that have been heard two times already. He said by arguing these facts for a third time, Mr. Josephson was attempting to reopen the advisory opinion. Mr. Destito said that the Judge was very clear that the advisory opinion was the rule in the case.

Mr. Josephson countered that an advisory opinion has precedential effect, and that the words "Gov.'s budget," used in the GOP ad was not considered either during the advisory opinion discussion or in the Office of Administrative Law hearing. It is a new fact which therefore should be brought to the attention of the Commission for its consideration. He also said that the advisory opinion was not a contested case and that it therefore cannot be *res judicata*.

Mr. Josephson said that the word "gov." is a reference to the office of governor. He said that certainly it is in the Commission's power to reconsider the matter in light of this new fact.

Vice Chair Linett said that it is not necessary to decide at this moment and the record is before the Commission.

Chair Martin said that the Commission was considering exceptions to the Initial Decision. Mr. Josephson is saying something about the original spot but providing new facts. He said that in the context of the advisory opinion, which was limited to the existing regulation, the Commission is not revisiting the opinion, and that comments should be limited to Mr. Josephson's objection that he was deprived from completing the record.

Mr. Genova said that the record developed at the Office of Administrative Law was not complete because the advisory opinion didn't focus on them and the Administrative Law Judge didn't consider them. Therefore, the McGreevey Campaign is attempting to make that record complete by focusing attention on the language "Gov.'s budget." Mr. Genova added that to the extent that the McGreevey Campaign is precluded from having this Commission look at this tape again is an error because the Judge and the Commission did not consider context as part of their decisions. Mr. Genova said that the four-pronged test is pertinent to this issue and that the Commission should focus on the language in the ad.

Commissioner Ware said that it was her understanding that the new regulation supersedes the four-pronged test. She said that the Commission should rely on the current regulation, which contains the unambiguous reference standard.

Mr. Josephson said that the four-pronged test was relied upon in the advisory opinions issued after the adoption of the current regulation and by the Republican State Committee in its Advisory Opinion Request. He said that the four-pronged test remains intact.

Chair Martin clarified this point by stating that the opinions in question were adopted prior to the permanent adoption of the regulation.

Legal Director Nagy said that the two advisory opinions in 1989 which cited the four-prong test were issued almost contemporaneously with the proposal and emergency adoption of the current regulation. He said that the regulation was adopted on a regular timeframe after the advisory opinions were issued. He noted that since no allocations resulted in those

1989 opinions, the use of the regulation or the four-prong test made no difference in the result and was therefore dicta. He added that a 1993 advisory opinion, which did find an allocable advertisement, did not cite the four-prong test.

Mr. Josephson asked: What is the proper rule here? He said that the Commission should provide guidance with regard to the rule that applies. Mr. Josephson suggested that the four-prong test should be an important part of the Commission's consideration.

Mr. Josephson reiterated that the Administrative Law Judge did not permit the McGreevey team to complete the record. He mentioned that Polaris report was an example of something that was not considered by the Administrative Law Judge. The Polaris report provided an account of when the ads actually ran. Mr. Josephson intimated that the Polaris report shows in a 10-day period the GOP and Whitman ads were running together for three days then the Whitman ads went off the air for four days. He said that the intent of the GOP ads was to reference the governor and at the same time skirt around the expenditure limits. Mr. Josephson said that the McGreevey expert was not permitted to testify.

Mr. Destito, objected, stating that Mr. Josephson is not an expert in media buys. He said that for Mr. Josephson to attribute some ulterior motive to the placement of these ads is way beyond the legal argument.

Mr. Josephson said that the Whitman ads were inexplicably pulled off the air for four days during this timeframe. He said that with the very similar Republican State Committee ads running during this period of time this action was an attempt by the Whitman Campaign to save money and still receive the benefit of the ads.

Mr. Josephson said that there was a very serious issue before the Commission. He said that the GOP ad referenced Governor Whitman by referring to her ads, and that the expert should have been allowed to testify. He urged the Commission to reject the Administrative Law Judge's decision and stated that the Judge's opinion indicated uncertainty as to how to handle the contextual argument. He concluded that there were two issues: the close similarity of the ads and the references to "Governor" and Governor Florio in the ads place overall contextual review before the Commission.

Mr. Genova asked: What is the test today? If the Commission renders a decision only on the basis of an unambiguous reference, meaning that the name or picture of the gubernatorial candidate must be shown or printed, then does it mean that I can tell the Democratic State Committee to run an ad saying "vote for the Democratic Governor" and not have it count against Candidate McGreevey's expenditure limit? He said the purpose of the public financing program is to have a level playing field. Mr. Genova said that the test was applied for over a decade and should continue to be utilized.

Commissioner Ware said that even using the four-pronged test she did not find there to be an unambiguous reference.

Mr. Peter G. Sheridan, Counsel to the Republican State Committee and Mr. Destito, Counsel to the Whitman Campaign were recognized by the Commission.

Mr. Destito said that only a couple of weeks ago the Commission gave an advisory opinion to the Republican State Committee and that he believes that the Commission is bound by that opinion. He said that the advisory opinion is what everyone is guided by. He said that while Mr. Josephson has maintained that his expert was not allowed to testify and that the record was not completed by the Office of Administrative Law hearing, he ignores the fact that the Judge had the Polaris report for consideration but chose to leave it out of the proceedings. He noted that the GOP had its media expert but that the Judge refused to allow his testimony. He said this decision was because Mr. Josephson asked for an expedited hearing. Mr. Destito noted that the GOP had copies of 1993 Florio ads that had identical textual references and was prepared to show these to the Court. He said that the Administrative Law Judge refused admittance of these tapes.

Mr. Destito said that Judge Metzger was correct that themes are common grist to campaigns. He said that all campaigns run on themes common to the party and that Mr. Josephson is ignoring political reality in arguing the opposite. Mr. Sheridan said that the Judge looked at sequencing data and understood that in placing ads campaigns target certain audiences. He said that in ignoring this fact and not recognizing that control over how spots are sequenced during a particular show is not under the control of a campaign is ignoring reality.

Mr. Sheridan then noted also with regards to the Polaris report and other information provided by their expert witness, the McGreevey team, while having ample time to provide it, actually provided the information late. He said that Judge Metzger bent over backwards to accommodate the McGreevey Campaign. Mr. Sheridan said it was unfair to submit new information when enough time had been given.

Mr. Sheridan concluded by saying that the Judge decided on the facts as well as on the law. He said that it may behoove the Commission to revisit this regulation in the future but in this situation it must decide on the basis of the guidance given by its regulation and its advisory opinion.

Vice Chair Linett asked: Who is the beneficiary of the GOP ad?

Mr. Sheridan replied that all Republican candidates benefited. He added, however, that this question is not the legal test.

Vice Chair Linett asked: Shouldn't there be an allocation made then against Governor Whitman?

Mr. Destito answered: Absolutely not. He said that to its credit this Commission has established definite standards by which everyone can exercise free speech. He mentioned that the Buckley decision states that the First Amendment is very important.

Mr. Destito said that the Democrats want the Commission to broaden its standards. He said that if this were done then every campaign would come before it to ask whether or not their ad could be run without an allocation being made.

Commissioner Franzese said that the second prong enjoins any reference to the Office of the Governor. She said, however, that this test provides guidance but is not binding.

Mr. Destito said that he does not believe that the GOP ad even meets the four-pronged test. He said that it depicted former Governor Florio in a photograph but contained no unambiguous reference to either gubernatorial candidate.

Mr. Sheridan said that the ad focused on the failures of the Democrats.

Vice Chair Linett asked: Whose First Amendment rights are we concerned about?

Mr. Destito said, both, the Republican State Committee speech rights and the Whitman Campaign speech rights. He added that if the Commission were to consider context, it would always have to look at State Committee ads.

Vice Chair Linett said that he did not see a First Amendment issue here.

Counsel Wyse agreed saying that public financing creates a situation wherein different standards can apply.

Mr. Sheridan said that the issue certainly does involve First Amendment considerations. He stated that not only is free speech at issue but also the right of association.

Vice Chair Linett said that the Commission presumes coordination between Governor Whitman and the Republican State Committee.

Mr. Sheridan said that coordination is not the issue being considered here, but the issue is whether or not an unambiguous reference was made.

Mr. Josephson said that the First Amendment applies in a different way to publicly financed candidates. He said that the public has invested \$10 million in the campaign and in return candidates give up certain First Amendment rights. He said it is critical for the Commission to make sure that expenditure limits are not skirted.

Chair Martin stated that the First Amendment presents many issues and it is a most intriguing area.

5. Resolution to Go Into Executive Session

On a motion by Vice Chair Linett, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission resolved to go into closed Executive Session to consider the

Initial Decision of Judge Metzger in the Expenditure Limit Complaint and the exceptions presented by Counsel, and to discuss the following matters which will become public as follows:

- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public no later than 35 days after mailing.
- B. 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 no later than 50 days after mailing.
- C. A report on written requests for investigations of possible violations, which report will not become public. However, any complaint which may be generated as a result of a request for an investigation will become public no later than 50 days after mailing.

6. Legal Fees Regulation

The Commission considered a proposed new regulation concerning the use of campaign funds for the payment of legal fees. The regulation codifies positions taken in prior advisory opinions. Also included is a specific provision permitting the use of campaign funds to pay legal expenses associated with defending alleged violations of the Campaign Contributions and Expenditures Reporting Act (hereafter, the Act), which issue has not been previously addressed in a formal advisory opinion but is a frequently asked question.

The proposed regulation clarifies that candidates can use campaign funds to pay the cost of litigation involving their election or election related activity, or violations of the campaign Act. The proposal is at N.J.A.C. 19:25-6.10.

On a motion by Chair Linett, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission approved the proposal at N.J.A.C. 19:25-6.10 as technically amended by Chair Martin, and directed staff to propose the regulation by filing it with the Office of Administrative Law.

7. Expenditure Limit Complaints (continued)

Commissioner Ware said that she approved of the Initial Decision of the Administrative Law Judge and that she would move the adoption of Judge Metzger's decision.

Vice Chair Linett said that he would vote no on this motion. He said that he believed it to be a very important public policy issue and that Judge Metzger in narrowly construing his decision has undermined the integrity of the public financing expenditure limits. He said that this decision was opening the door to soft money and by adopting it the Commission would be moving in the wrong direction.

Vice Chair Linett said that it is clear to him that in context the GOP has referenced the governor in its ad and it is difficult for him to see how this fact is not obvious to everyone.

Vice Chair Linett said that the public will be deceived into thinking that \$6.9 million is the expenditure limit when in actuality it will be in excess of \$10 million. Vice Chair Linett said he is heartened that the Commission will revisit the regulation because the 1989 regulation may have been ill conceived. He said that he hopes the Commission in fashioning a new regulation will lean toward preserving the contribution and expenditure limits.

Commissioner Franzese said that the regulation does set a bright-line test but it is important that it be revisited. She said that the four-pronged test affords guidance but must be read consistently with the unambiguous reference regulation.

Chair Martin said that he agrees about the soft money problem but that the Commission must work within the parameters of its regulation and regulatory authority. He said the issue must be resolved within the context of the regulation.

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 3-1, the Commission adopted the Initial Decision of Administrative Law Judge Solomon A. Metzger with the provision that it will revisit the regulation in the future. Vice Chair Linett dissented.

8. Advisory Opinion No. 08-1997

This request for an advisory opinion concerning reporting requirements under the Campaign Contributions and Expenditures Reporting Act with respect to an article written for a municipal newsletter was submitted by the Honorable John S. Wisnewski, Assemblyman 19th Legislative District.

The Commission reviewed a memorandum from Legal Director Nagy. The Assemblyman advised the Commission that earlier this summer he was solicited by the Borough of Sayreville (Middlesex County) to write a column for the municipality's newsletter, without being advised when the newsletter would be issued by the municipality. The column reviews the "legislative record and agenda for the future" of the Assemblyman. Further, the Borough has decided to distribute the newsletter containing his column to coincide with the municipality's recycling advisory, which has not yet been distributed but apparently will be circulated during the period within 90-days prior to the November 4, 1997 general election.

The questions involved in this opinion are whether or not the reporting requirements of N.J.A.C. 19:25-10.10, Political communication contributions, would apply assuming there is no consent to the distribution of the newsletter but the municipality proceeds to distribute it to its residents prior to the 1997 general election and whether or not the political communication reporting requirements would apply in that case to the Borough of Sayreville, the Mayor, or any member of the Borough Council.

In response, the Commission advised that because the column was written for the express purpose of having it included in the municipality's newsletter, and because the Assemblyman did not place any restriction on the timing of the distribution of the column by the municipality, the Commission concluded that consent by Assemblyman Wisniewski to its

circulation has been given within the meaning of the political communication regulation. It stated that if the newsletter is circulated within 90-days prior to the 1997 general election to voters in the Borough, the portion of the costs for the preparation and distribution of the newsletter allocable to the column constitutes an "in-kind" contribution to the 1997 Assemblyman candidacy from the entity who paid those costs, the municipality. The Commission further advised that such an "in-kind" contribution would be subject to the applicable contribution limits of the Act, see N.J.A.C. 19:25-11.1, et seq., Contribution Limits.

The Commission further determined that the Assemblyman does not have standing to seek the Commission's opinion as to the possible reporting requirements applicable to parties other than the Assemblyman's candidate committee.

The Commission noted that there may be questions arising vis-à-vis the legality of a municipality making a contribution but that it has no jurisdiction over this question.

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission approved Advisory Opinion No. 08-1997 and directed Legal Director Nagy to issue the response.

9. Adjournment

On a motion by Vice Chair Linett, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission voted to adjourn at 2:45 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz