

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

January 26, 1981

PRESENT

Josephine S. Margetts, Member
Andrew Axtell, Member
M. Robert DeCotiis, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, General Legal Counsel
William R. Schmidt, Assistant Executive Director
Gregory E. Nagy, Staff Counsel

ABSENT

Sidney Goldmann, Chairman

The Chairman called the meeting to order and announced that pursuant to the Open Public Meetings Law, P. L. 1975, c.231, annual notice of the meetings of the Commission, as amended, has been filed with the Secretary of State's office, and that copies have been posted in the State House Annex, and mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House press corps.

The meeting convened at 10:15 a.m. In the absence of Chairman Goldmann who is hospitalized, Commissioner Margetts served as acting chairman.

1. Approval of Public Session Minutes of Commission Meeting of January 5, 1981

On a motion by Commissioner Axtell, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission approved the minutes of the public session of the Commission meeting of January 5, 1981.

2. Report on Proposed Legislation Re 1981 Gubernatorial Election

The executive director reported that the Governor and certain members of the legislature were considering legislation to provide for a gubernatorial runoff election after the primary election and for an increase to \$150,000 or \$200,000 in the threshold to qualify for public funding. He also indicated to the Commission that the appropriation for the funding of the 1981 gubernatorial primary election (\$1433) appeared to be stalled in the Assembly Revenue, Finance and Appropriations Committee. These matters were discussed and the Commission again expressed concern that no appropriation had yet been made for the gubernatorial primary election.

3. Advisory Opinions

0-33-80, Henry Ramer for Friends of Pat Kramer

The Commission discussed correspondence relating to this advisory opinion and determined that general legal counsel will respond to Mr. Ramer's letter of January 16 and indicate the additional information which must be submitted.

0-01-81, Joseph Furnari for American Lung Association of N. J.

The Commission discussed this advisory opinion request and agreed upon a response which will be commu-

ted by the general legal counsel.

0-02-81, Joseph P. Galluzzi for Assemblyman James Zangari
The Commission reviewed the advisory opinion request and agreed upon an advisory opinion which will be forwarded to Mr. Galluzzi by general legal counsel.

4. Executive Session

On a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss late filing case determinations, review procedures re fine collection and to approve the executive session minutes of the Commission meeting of January 5, 1981. At the conclusion of these matters, the Commission returned to public session on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0.

5. Reports by Executive Director

The executive director reported on the status of expenditures of the Fiscal 1981 appropriation for the Commission and the anticipated recommendations of the Governor for the Commission for Fiscal 1982. He also reported that on January 22 the Senate passed S1286 which would require the filing of personal financial disclosure statements with the Commission by legislative candidates. The executive director also indicated the status of S1396 and S1397, bills which would reduce the scope of information to be reported by a lobbyist and change the enforcement from the Election Law Enforcement Commission to the Attorney General.

6. Meeting with Representative of Office of Administrative Law

The staff counsel reported on a meeting he had with Ronald Parker of the Office of Administrative Law. The purpose was to better acquaint Mr. Parker with the Campaign Contributions and Expenditures Reporting Act and the possibility of emergent hearings regarding enforcement matters during the gubernatorial election campaign. It was agreed to tentatively schedule a meeting with Administrative Law Judges who might be assigned to such cases to assist them in becoming familiar with the statute and regulations.

7. Certification of Public Funds for Gubernatorial Candidates in 1981 Primary Election

The Commission reviewed staff summaries of the submissions made on January 5 by candidates Smith, Kramer and McGlynn. The Commission discussed a number of policy questions relating to reasons for rejection of contributions documentation for matching funds. The Commission also discussed the form of documentation required to meet the \$50,000 threshold for expenditures in a gubernatorial primary campaign.

The Commission found that none of the three candidates had submitted all of the required documentation to show that \$50,000 had been expended on behalf of their campaign. Because of these technical difficulties, the Commission directed the staff to apprise the candidates of these deficiencies and decided that no certification of public matching funds would be appropriated to them at this time. This was done on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0.

The Commission also determined on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0 that any candidate in a submission indicated evidence of receiving a contribution over \$800 would receive no public matching funds for that entire submission at least unless and until the excess amount of those contributions is refunded and evidence of that submitted to the Commission.

The Commission reviewed the requirement in the regulations that residence address, when different from mailing address, be documented. The Commission agreed that in general the address supplied would be satisfactory but reserved the prerogative of requiring residence address in cases in which that information is critical in evaluating the legality of a particular contribution or identity of a particular contributor. This was done on a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 3-0.

8. Adjournment - The Commission adjourned the meeting at 3:15 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director