

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

MAY 4, 1981

PRESENT

ABSENT

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

Andrew C. Axtell, Member

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 was held at the offices of the Commission chairman, 12th floor, Katzenbach, Gildea and Rudner, Esqs.

The meeting convened at 11:25 a.m.

1. Certification of Public Matching Funds to Gubernatorial Primary Election Candidates

After a review of the staff review and suggestions for certification, the Commission certified \$548,308.89 in public matching funds to 14 gubernatorial primary election candidates on a motion by Chairman Goldmann, seconded by Commissioner DeCotiis and a vote of 3-0, as follows:

<u>Candidate</u>	<u>Amount</u>
John Degnan (D)	\$154,287.50
Frank Dodd (D)	49,664.50
James Florio (D)	11,160.80
Kenneth Gibson (D)	49,589.00
William Hamilton (D)	20,835.00
Thomas Kean (R)	103,324.00
Ann Klein (D)	2,820.00
Lawrence Kramer (R)	51,342.25
Barbara McConnell (D)	2,242.49
Richard McGlynn (R)	7,935.75
Joseph Merlino (D)	38,815.00
Barry Parker (R)	3,200.00
John Rafferty (R)	10,404.69
James Wallwork (R)	42,687.91
TOTAL	<u>\$548,308.89</u>

*Chairman Goldmann was in Boston but participated via telephonic communication through a speaker phone which could be heard in the Commission meeting room.

2. Litigation - Robert Roe vs. ELEC

The Commission discussed the litigation brought in Superior Court by Congressman Robert Roe, candidate for the Democratic nomination for Governor, against the Commission relative to the promulgation of a regulation requiring certain attribution on campaign literature and advertising of candidates accepting public matching funds. The Commission concluded that the general subject of attribution on campaign literature and advertising falls outside of the jurisdiction of the Commission and the Commission is therefore not empowered to grant the release sought in this matter. Accordingly, on a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 3-0, the Commission agreed to bring a motion to dismiss the suit on these grounds.

3. Procedure on Termination of Gubernatorial Candidacy and Return of Funds to the State

The Commission discussed the situation resulting from the withdrawal from the gubernatorial primary election campaign of Secretary of State Donald Lan who had received public matching funds. The Commission reviewed the pertinent statute and regulations and agreed upon the following:

1. The Commission will hold and not deposit the check for \$31,065.00 in public matching funds to Mr. Lan from the April 27th certification and will not certify additional funds to his campaign at this time. Because this amount was certified for a prior submission before his withdrawal as a candidate, the Commission agreed to release these funds to him upon a showing that he needed them to discharge campaign obligations.
2. Mr. Lan's campaign is obligated to file campaign disclosure reports until all financial activity for his campaign is concluded.
3. In paying off his campaign bills, debts, and obligations, Mr. Lan must first use remaining private contributions and then, if necessary, use remaining public funds. The public funds may only be used for those purposes enumerated in the Act.
4. After all bills, debts and obligations are met, all public funds remaining must be repaid to the Commission for return to the State Treasury not later than 6 months after the date of the 1981 Primary Election. Additionally, all remaining private contributions used to obtain matching funds must be similarly paid over to the Commission (see N.J.A.C. 19:25-16.33). For this purpose the first \$50,000.00 raised by a candidate to qualify initially are considered contributions used to obtain

matching funds.

The Commission directed the executive director to communicate this information orally and in writing to Secretary Lan as soon as possible.

4. Personal Financial Disclosure Statements by Gubernatorial and Legislative Candidates

The executive director indicated that on May 1, the Acting Governor signed into law S1286 which provides that gubernatorial and legislative candidates file personal financial disclosure statements with the Election Law Enforcement Commission no later than 10 days subsequent to the filing of their nominating petitions. He further noted that in signing the bill the Governor's office indicated an extended filing date of May 20, because the date provided in the legislation would be May 4, only 3 days after the enactment date. On a motion by Commissioner Margetts, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission agreed that such reports would be due on May 20, 1981 and directed the executive director to forward forms and instructions to such candidates immediately.

5. Lobbyists Financial Reporting

The executive director indicated that to date no action had been taken in the Legislature to consider the Governor's conditional veto of S1396 and S1397, which proposed to modify the statutory provisions concerning lobbyist financial reporting and which agency has enforcement responsibility. Under the present statutory provisions the extended date for filing is now May 15, 1981. On a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 3-0, the Commission agreed to further extend the reporting deadline under the present statutory provisions until June 15, 1981 to permit the Legislature additional time to consider the Governor's recommendations on S1396 and S1397.

6. Adjournment -

The Commission adjourned the meeting at 11:50 a.m.

Respectfully Submitted,



LEWIS B. THURSTON, III
Executive Director