

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

JUNE 9, 1981

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew C. Axtell, 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

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 10:05 a.m.

Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission went into executive session to discuss a personnel matter. At the conclusion of the discussion the Commission returned to public session on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 4-0.

2. ELEC Meeting Schedule

The Commission agreed to add an additional meeting in June, on June 15, to its schedule.

3. Approval of Minutes of Commission Meeting of June 1, 1981 (public session)

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved the minutes of the public session of the above-cited meeting.

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

The Commission reviewed the staff review and suggestions for public matching funds. On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 4-0, the Commission certified a total of \$321,692.94 in public matching funds to 11 candidates as follows:

*Not present for personnel matter at outset of meeting.

<u>Candidate</u>	<u>Amount</u>
Frank Dodd (D)	\$ 13,274.00
Kenneth Gibson (D)	106,409.00
William Hamilton (D)	11,164.00
Ann Klein (D)	730.00
Donald Lan (D)	6,937.60
Barbara McConnell (D)	13,828.28
Richard McGlynn (R)	3,853.60
Barry Parker (R)	18,507.60
John Rafferty (R)	22,094.00
Thomas F. X. Smith (D)	55,736.00
James Wallwork (D)	69,158.86
TOTAL	\$321,692.94

The Commission reviewed a request from Secretary of State Donald Lan, a withdrawn candidate for Governor, for additional public matching funds in the amount of \$15,203.67 of an amount previously certified to him but withheld by the Commission. After a review of the reported outstanding obligations of Mr. Lan's campaign, the Commission agreed to release a total of \$6,937.60 to Mr. Lan in matching funds. This was done on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 4-0.

The assistant executive director reported that the total of public funds already certified, plus those which may be anticipated to be certified for contribution submissions already made, plus anticipated additional administrative expenditures is just under the total appropriation for public financing for the primary election of \$6.5 million. Because candidates may make additional submissions for public matching funds after the election to pay outstanding obligations for some time, it was agreed by the Commission that the Director of Budget and Accounting and the Chairman of the Subcommittee on Transfers of the Legislative Joint Appropriations Committee be alerted that the Commission may be in need of an additional appropriation for public matching funds for the primary election.

5. Public Indication of Executive Session Action from the Commission Meeting of June 1, 1981

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 4-0, the Commission made public its actions at the executive session of the above-cited Commission meeting relative to certain enforcement actions.

6. Auditing of Candidates Receiving Public Matching Funds

The Commission agreed that it would be desirable to conduct auditing of the records of candidates receiving public matching funds, particularly as to large expenditures and the use of public funds. The Commission expressed a preference for a contractual arrangement with a private auditing firm to conduct the audits and directed the assistant executive director to explore the feasibility of such an arrangement.

7. Bank Depository for Public Matching Funds Account for 1981 General Election

The Commission discussed the need to select a bank to use for candidates' public matching funds accounts for the 1981 General Election. It was agreed that the assistant executive director should contact the Broad Street Bank in Trenton and discuss the possibility of utilizing their services in this regard.

8. Questions Regarding Leftover Campaign Funds in Gubernatorial Primary Election

The Commission reviewed some questions raised by one of the gubernatorial candidate's campaigns concerning procedures in handling and permissible uses of leftover private contributions. The Commission agreed upon answers to the questions and directed the assistant executive director to respond to the campaign.

9. Report on ELEC Appropriation for Fiscal 1981-82

The executive director reported that preliminary indications from the deliberations of the Legislative Joint Appropriations Committee, which just concluded, are that the Commission budget was not modified, with the exception of Resolution No. 444 which deleted the appropriation for public matching funds of \$2,986,800.00 and provided that \$2,500,000.00 appropriated for this purpose in fiscal year 1980-81 will be carried over into the fiscal year 1981-82. The Resolution also contained text relating to this matter.

10. Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 4-0, the Commission went into executive session to discuss the minutes of the executive session of the Commission meeting of June 1, 1981, several investigative matters and current litigation. At the conclusion of the discussion of these matters the Commission returned to public session on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 4-0.

11. Advisory Opinions

The Commission reviewed the following advisory opinion requests and agreed upon advisory opinions in each case:

0-18-80 - Frederick J. Dennehy
0-22-80 - John S. Watson
0-26-80 - Philip J. Tilimieri, Jr., Esq.
0-31-80 - Vincent D'Elia, Esq.
0-45-80 - Richard S. Cohen, Esq.
0-46-80 - Raymond J. Zane
0-48-80 - Philip J. Cocuzza, Executive V P
0-24-81 - William D. Fick,
0-28-81 - Louis J. Santore, Esq.

12. Executive Session

On a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 4-0, the Commission went into executive session to discuss an investigative matter and a personnel matter. At the conclusion of the discussion of these matters, the Commission returned to public session on a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 4-0.

13. Adjournment - The Commission adjourned the meeting at 2:30 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director