

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

October 5, 1981

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
M. Robert DeCotiis, Member
Scott A. Weiner, Executive Director
William R. Schmidt, Assistant Executive Director
Gregory E. Nagy, Staff Counsel
Edward J. Farrell, General Legal Counsel

ABSENT

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 filed 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 10:10 a.m.

1. Approval of Minutes of Public Session of Commission Meeting of September 28, 1981

On a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 3-0, the Commission approved the minutes of the public session of the above-cited meeting.

2. Certification of Public Matching Funds

The assistant executive director recommended that the Commission certify \$214,120.10 to the Tom Kean for Governor Committee. It is the amount which would bring the public matching funds for the Kean campaign to the maximum of \$1,199,951.60; Tom Kean for Governor Committee was eligible for a total of \$314,508.50 representing the remaining amount of entitlements for submission 01 (\$277,662.50) and 25 percent of submission 02 (\$36,846.00). However, those two amounts would put the Kean campaign over the maximum by \$100,388.40.

On a motion by Commissioner Margetts, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission certified a total of \$214,120.10 in public matching funds for the General Election gubernatorial candidate Thomas H. Kean (R).

3. Advisory Opinion 41-1981

The Commission reviewed an advisory opinion request from James R. Decker and a draft opinion prepared by Staff Counsel. Following a discussion of including legal costs as a campaign expenditure, on a motion by Chairman Goldmann, seconded by

Commissioner Margetts and a vote of 3-0, the Commission approved the draft opinion with an editorial change on page 3, first paragraph, to include reference to filing 7-day pre-election and 15 and 60-day post-election reports.

4. Advisory Opinion 42-1981

The Commission reviewed a September 24, 1981 advisory opinion request from Zulima V. Farber, Controller, Degnan '81 Committee and a draft opinion prepared by Staff Counsel. The Commission discussed the provision in the law concerning repayment of public funds received by gubernatorial candidates, N.J.S.A. 19:44A-35c., and the provision in the regulations, N.J.A.C. 19:25-16.33, concerning the same subject. The Commission also reviewed two tables, prepared by staff: Public Funds Gubernatorial Primary Candidates' Contributions of Private Funds to Political Committees (which showed a total of \$33,366.10 having been contributed to such committees) and Financial Status of Gubernatorial Primary Candidates receiving Public Funds (which showed a total surplus of \$148,082.82 with those candidates who were in a positive cash position as of August 17, 1981). On a motion by Chairman Goldmann, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission approved the draft opinion.

5. Advisory Opinion 43-1981

The Commission reviewed an October 5, 1981 advisory opinion request from Stuart Gavzy, Finance Director, New Jersey Republican State Committee, regarding the allocation of expenses, incurred during visits to New Jersey by Vice President George Bush, between the Republican gubernatorial candidate and the New Jersey Republican State Committee. Mr. Gavzy appeared before the Commission and responded to questions concerning the following: (a) where was the Vice President traveling from when he visited New Jersey on August 17?(Philadelphia)); (b) was gubernatorial candidate Tom Kean present at the August 17 fund raising luncheon? (Mr. Kean was there); (c) how much time the Vice President spent at each of the two functions held on August 23?(1½ hours at each function); (d) was the gubernatorial candidate present at both functions?(yes); (e) what were the costs associated with the Vice President's visit? (although the White House has not provided an expense statement, it is anticipated by the Republican State Committee that the expenses will be an estimated \$20,000 for each visit with much of that expense reflecting security costs) and (f) when was a statement of costs expected from the White House? (in 3 to 6 months). The Commission discussed the extent to which there were similarities between the function held on August 17 and the function held on behalf of the Republican State Committee on August 23. The Commission concluded that the August 17 function should be allocated 25 percent to the gubernatorial candidate, that the first function on September 23 should be allocated 25 percent to the

gubernatorial candidate and that the second function on September 23 should be allocated 100% to the gubernatorial candidate. On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0, the Commission directed the Executive Director and Staff Counsel to prepare an advisory opinion incorporating the Commission's conclusions about the allocation of expenses of each of the three functions which the Vice President attended in New Jersey.

6. General Election Reporting by the Two National Political Party Committees

The Executive Director reported on his conversations with representatives of the Republican National Committee and the Democratic National Committee. He said both national committees have no objections to filing campaign reports with the New Jersey Election Law Enforcement Commission. He reported that both national committees are making contributions to New Jersey campaigns and to the New Jersey State Committees from what are termed "soft fund" accounts, i.e. contributions received by the national committees that cannot be used in federal elections.

The Commission discussed the issue of what contribution threshold to use in requiring the national committees to report on individual contributions from New Jersey contributors; the Commission agreed on an \$800 threshold. The Commission discussed the reporting requirements to be imposed on reporting contributors and decided that all New Jersey contributors to the national political party committees who made contributions since the date of the Primary should be reported to the Election Law Enforcement Commission. The Commission directed the Executive Director to communicate these decisions to both national political party committees.

7. Reports on Lobbyist Regulations

The Executive Director reported that one lobbyist has written the Commission with comments and objections to certain provisions in the proposed regulations and that two organizations have notified the Commission that they intend to testify at the public hearing. Those two organizations are the New Jersey Education Association (NJEA) and the New Jersey Bar Association.

8. Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0, the Commission voted to resolve to go into executive session to discuss the executive session minutes of the Commission meeting of September 28, 1981 and to discuss

investigations and enforcement actions, the results of which will be made public at their conclusion.

9. Public Indication of Executive Session Actions

The Executive Director presented his recommendations on Commission executive session actions and on a motion by Commissioner Margetts, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission voted to make the following public:

From the meeting of September 14, 1981, item #2, all those matters pertaining to final decisions adopted by the Commission concerning late filers in the 1981 Primary Election.

10. Adjournment - The Commission adjourned the meeting at 1:05 p.m.

Respectfully submitted,



SCOTT A. WEINER
Executive Director