

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

JUNE 7, 1982

PRESENT

Andrew C. Axtell, Chairman
M. Robert DeCotiis, Member
Haydn Proctor, Member
Alexander P. Waugh, Jr., Member
Scott A. Weiner, Executive Director
William R. Schmidt, Assistant Executive Director
Edward J. Farrell, General Counsel
Sidney Goldmann, Former Chairman

Chairman Axtell 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, and the entire State House press corps.

The meeting convened at 1:50 p.m. at the Commission's offices, Trenton, N. J.

1. Approval of Minutes of Public Session of Commission Meeting of May 24, 1982.

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 3-0 (with Commissioner Waugh abstaining because he did not attend the May 24th meeting), the Commission approved the minutes of the public session of the May 24, 1982 meeting.

2. Appointment of Judge Goldmann as Consultant to the Commission.

Chairman Axtell proposed that Judge Goldmann's consultant agreement with the Commission, which expires June 30, 1982, be extended until December 31, 1982. On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to extend Judge Goldmann's consultant agreement until December 31, 1982, at a fee of \$1,000 for the six month period.

3. Executive Director's Report

Executive Director Weiner reported that Assemblywoman Barbara Kalik, chairwoman of the Assembly State Government Committee has initiated hearings on revision of the State's election laws, particularly Title 19. She is using former Assemblyman Burstein's 1978 proposed revision of Title 19A as a vehicle for discussion. Mr. Weiner said that he has advised Assemblywoman Kalik and Speaker Karcher's staff that the Commission has no position on the proposals set forth in former Assemblyman Burstein's proposal although the Commission is available to assume whatever responsibilities the Legislature and Governor wish to assign. Additionally, the Commission and the staff are available to provide technical assistance and information.

Mr. Weiner noted that the Burstein proposal provides for statewide administration of the election laws and would reconstitute the Election Law Enforcement Commission as the administrative agency for statewide administration.

The Executive Director suggested that a day be set aside to invite the legislative leadership to meet with the Commission and to ask questions. There was general agreement that this was a constructive suggestion.

4. Permission for Judge Goldmann to Attend the Executive Sessions of the Commission Meetings

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission voted to permit Judge Goldmann, former chairman of the Election Law Enforcement Commission, to attend the executive sessions of the Commission meetings during his tenure as consultant to the Commission.

5. Discussion of Public Financing Report

The Commission discussed the revised draft of the public financing report which had been distributed to the Commission prior to the meeting. The revisions reflected the changes made by the Commission during the meeting of May 24, 1982. Executive Director Weiner noted that the Assembly State Government Committee had scheduled a public hearing concerning public financing on June 16, 1982.

The Commission first focused on Recommendation #2 concerning the threshold and the proposal to institute a continuing \$25,000 threshold requirement. The Commission held an extensive discussion of this proposal, considering the burdens it would place on campaigns, the degree of desirability of discouraging campaigns from securing additional public funds when fund raising may be faltering, the public policy of helping candidates, the perceived need to make it less easy for faltering campaigns to continue to receive public funds. The Commission reached a consensus to recommend a \$100,000 threshold but to start matching at \$50,000. Furthermore, the Commission reached a consensus to continue matching without any restrictions on submissions until a candidate has received \$125,000 in public funds and has raised \$175,000 in private funds for a total campaign of \$300,000. After that point, the Commission decided that it would recommend that campaigns have to make submissions in units of at least \$25,000 in order to secure additional public funds.

The Commission reviewed the rest of the Recommendations in the revised draft of the report and made no other substantive changes. Commissioner Waugh provided the staff with his suggested editorial changes.

The Executive Director distributed two tables which reflected the impact the Commission's recommendations would have had on the 1981 publicly funded gubernatorial primary and general election candidates. The tables showed the effect on public funds and the effect on candidates' total receipts. He noted that the tables would be revised to incorporate the decision to begin matching at \$50,000 rather than at \$100,000.

The Executive Director distributed a draft letter of transmittal addressed to Governor Kean and the Legislature. After reviewing the draft letter, the Commission approved the letter's content and the Commissioners subsequently affixed their signatures to the letter to be included in the final report. The Commission also concurred in the suggestion of the Executive Director that he prepare a statement acknowledging the contribution of the staff and consultants to be included in the report.

The Executive Director advised the Commission that the report would go for typesetting on Tuesday, June 8th, and, in light of Assemblywoman Kalik's proposed public hearing on Wednesday, June 16th, a separate "pre-publication" copy of the text of the report might be printed so it would be available to interested members of the Legislature before the June 16th hearing.

6. Executive Session

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission voted to resolve to go into executive session to review the executive session minutes of May 24, 1982 and to discuss investigations and enforcement actions, the results of which will be made public at their conclusion.

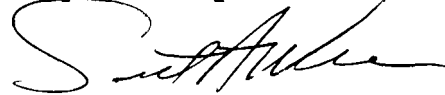
7. Next Commission Meeting

The Commission discussed the necessity of holding meetings twice a month and decided tentatively to hold only one meeting in the months of July and August. The Commission decided to hold its next meeting on Monday, June 28th at the offices of the General Legal Counsel in Morristown, N. J.

8. Adjournment

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to adjourn.

Respectfully submitted,



SCOTT A. WEINER
Executive Director

SAW/wrs-cm