

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

NOVEMBER 22, 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
Gregory E. Nagy, Staff Counsel
Juana M. Schultz, Director of Compliance and Review
Edward J. Farrell, General Counsel
Judge Sidney Goldmann, Consultant

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 1:45 p.m. at Commissioner Waugh's office, 1 Palmer Square, Princeton, N. J.

1. Approval of Minutes of Public Session of Commission Meeting of November 8, 1982.

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 4-0, the Commission approved the minutes of the public session of November 8, 1982.

2. Review of Lobbyist Report

Executive Director Weiner introduced the discussion of the draft report on lobbying regulations which he had distributed to the Commission with the agenda. He said the report was the result of the work of a task force of ELEC staff, representatives of the Attorney General and representatives of the Office of the Governor's Counsel. Mr. Weiner said that he had spoken with Edward McGlynn, special assistant to the Attorney General, who has asked to review the report although he does concur in the conclusions set forth in the report. Mr. Weiner said the report is intended to be a vehicle for discussion and that he hoped to be able to distribute the report shortly after the Thanksgiving holiday.

Commissioner Waugh said that he had not finished his review and edit of the report. He said he noted an inconsistency between the statement that the report would not go beyond the current law and the subsequent discussion and recommendation that the law be amended to cover lobbying involving administrative regulations. Mr. Weiner agreed that it was appropriate to delete the discussion about requiring regulation of administrative lobbying and to limit the scope of the report to the present law.

Commissioner Waugh suggested that the report be strengthened in its discussion of the reporting of expenditures for entertainment on pages 19 and 20. Mr. Weiner pointed out that there is a recommendation on page 26 to repeal the "expressly" amendment.

Mr. Weiner stated that he would incorporate the editorial comments he had received or would receive from Commissioner Waugh, Judge Goldmann and Assistant Executive Director Schmidt and then circulate a revised draft to the Commission members. In addition, Mr. Weiner said he would call each member of the Commission next week to secure any additional comments and to secure each Commissioner's approval for release of the report. Mr. Weiner said, however, if the Attorney General suggests significant changes, then he would not release the report until the Commission had reviewed it at another meeting.

Chairman Axtell asked for an explanation of the reporting requirement dealing with \$25 per day and whether that involved one or more than one person. Mr. Weiner said that it was \$25 per person which served as a threshold for attributing the beneficiary of a lobbyist's expenditure.

General Legal Counsel Farrell suggested that the report be edited to avoid any policy judgment that the agency that should assume responsibility for all lobbyist regulation should be the Commission. Mr. Weiner said that the recommendation is the Attorney General's recommendation and not the recommendation of the Commission.

Following additional discussion, the Commission decided that it wanted to review another draft, as revised, of the report as a group at its next meeting.

3. Date of Next Commission Meeting

In light of the Commission's decision that it wanted to review as a group the revised draft of the lobbyist report, the Commission decided to meet on Monday, December 13, 1982, as scheduled.

4. Report Concerning the Impact of the Governor's Proposal for a Three Percent Reduction

Executive Director Weiner reported that Governor Kean had asked all agencies to prepare a report on the impact of a three percent reduction of the agency's Fiscal Year 1983 appropriation. Mr. Weiner said he had responded to the Governor's office by reporting that a three percent reduction would cause the agency to be in the same position as it was when the Legislature enacted the 1983 Fiscal Year appropriation, i.e. the three percent reduction represents \$19,000 which is nearly the amount the Director of Budget and Accounting had given the Commission from a central salary account

which would have enabled the Commission to hire a fourth secretary and a third report examiner. Mr. Weiner reported that with the proposed three percent reduction, he will have to delay the hiring of the fourth secretary and the third report examiner.

Chairman Axtell said that, in his judgment, it behooves the Commission to try to live within the three percent reduction. Mr. Weiner pointed out that the Commission is spending less in the current fiscal year than it did for FY'82 program levels. Mr. Weiner said that part of this is due to the ending of the public financing program and the related administrative costs and part is due to the policy not to pay for overtime except overtime associated with filing nights.

In response to the request of the Commissioners, Mr. Weiner agreed to mail them a copy of his impact statement which he had sent to the Governor's office. Mr. Weiner went on to say that right now there is only one more filled position than there was in FY'82 and that there are two positions not filled. He said that it is the lobbying disclosure enforcement program that has been cut back because he has been unable to fill the two positions.

5. Pending Legislation

Mr. Weiner reported on the response to the report on the Campaign Contributions and Expenditures Reporting Act. Mr. Weiner said that the majority and minority staffs had told him that the recommendations were appropriate and long overdue. Mr. Weiner said that the majority is preparing two bills, one in each house of the Legislature, and that he expects both bills to incorporate all or nearly all of the recommendations in the report. Mr. Weiner said that the minority staff is developing its own version of the bill to incorporate the Commission's recommendations.

Commissioner DeCotiis asked if Mr. Weiner had heard from the Governor's office; Mr. Weiner said that he had heard informally from Mr. Edwards.

6. Executive Director's Report

Mr. Weiner said that he and Juana Schultz had attended the Conference of the League of Municipalities in Atlantic City and that they had held two consulting sessions for attendees. He said he had also met with the County Clerk's Association and with municipal clerks.

7. Executive Session

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 4-0, the Commission voted to resolve to go into executive session to review the executive session minutes of November 8, 1982 and to discuss investigations and enforcement actions, the results of which will be made public at their conclusion.

8. Adjournment

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

Respectfully submitted,


SCOTT A. WEINER
Executive Director