

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

JANUARY 12, 1983

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  
Edward J. Farrell, General Counsel  
Judge Sidney Goldmann, Consultant  
\* Thomas Cullen, Associate Staff Counsel  
\* Leslie London, Election Finance Analyst

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 10:15 a.m. at the Commission's office, Trenton, N. J.

1. Administration of Oath of Office to Commissioner DeCotiis

Former Chairman Goldmann administered the Oath of Office to Commissioner DeCotiis.

2. Approval of Minutes of Public Session of Commission Meeting of December 13, 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 December 13, 1982.

3. Pending Legislation and Regulations

Executive Director Weiner reported that steps have been taken in both the Senate and the Assembly to amend the Campaign Contributions and Expenditures Reporting Act. He reported that Senators Lipman and Costello have introduced a bill and that Senator Lipman will hold a committee meeting hearing on or about January 24, 1983. In the Assembly, Assemblyman Zimmer has introduced a bill similar to the Senate bill. Mr. Weiner said that ELEC staff will work with both sponsors in reviewing the proposed amendments.

Mr. Weiner said that the Commission's and the Attorney General's report on the lobbyist disclosure program had been released and had received extensive press coverage. Mr. Weiner specifically pointed out the editorial entitled "Light on the Lobbyists" as published on January 11, 1983 in The Bergen Record,

\*attended portion of Executive Session

copy of which Mr. Weiner distributed to the Commission at the meeting.

The Executive Director advised the Commission of the need for the Commission to prepare and adopt regulations for the personal financial disclosure program which applies to Legislative and Gubernatorial candidates. Adoption of regulations is particularly important because the entire Legislature is up for election this year and candidates for the Legislature will have to file personal financial disclosure statements in May. Mr. Weiner distributed a January 12, 1983 memorandum prepared by Staff Counsel Nagy which set forth a calendar for adopting the regulations. The most critical date is adoption of the regulations by the Commission before February 8, 1983. Commissioner Waugh asked why the 60 day legislative review period is still being adhered to in light of the court decision which found the legislative veto unconstitutional. Staff Counsel Nagy responded that the Office of Administrative Law is still enforcing the 60 day review period and that OAL will not accept regulations for final promulgation until the 60 day period has elapsed.

#### 4. Review of Fiscal Year 1983 and Fiscal Year 1984 Budgets

Concerning Fiscal Year 1983, Mr. Weiner noted that the tax package enacted by the Legislature required \$30 million in reductions in FY'83 expenditures. He said he anticipates that ELEC may have to absorb a one and one-half percent cut, rather than the previously proposed three percent cut. He said that the State Treasurer is still considering ways in which to make the \$30 million cuts. Mr. Weiner noted that ELEC has been carrying vacancies which has allowed the Commission to absorb the budget shortfalls to date; he also noted, however, that not filling vacant positions has prohibited the Commission from fully carrying through with its program implementations, particularly with regard to the lobbyist disclosure program.

For Fiscal Year 1984, Mr. Weiner reported that the Governor has initially proposed that expenditures be kept at the FY'83 level. Mr. Weiner said that the net result of that initial decision by the Governor would be the Commission spending \$33,000 less in Fiscal Year 1984 than it will be spending in Fiscal Year 1983. Mr. Weiner said one of the most serious problems is the proposed \$40,000 for data processing services. He noted that in Fiscal Year 1983, the Commission absorbed a 20 percent cut from what Data Processing in the Treasury Department initially proposed for Fiscal Year 1983, i.e. a reduction from the proposed \$50,000 to the appropriated \$40,000. Mr. Weiner said that the software used by Data Processing is now over eight years old and that more and more problems are developing in the Commission's data processing system. Mr. Weiner said that the Governor's office asked if there were any needs above the Fiscal Year 1983 level and Mr. Weiner said that he

had spoken with and written to Gary Stein and Lewis B. Thurston, III about the need of a minimum \$30,000 above the Fiscal Year 1983 level to maintain the current level of services provided by the Commission. Mr. Weiner distributed his January 7, 1983 five-page memorandum addressed to Messrs. Stein and Thurston; attached to that memorandum was a one-page September 16, 1982 memorandum from Harry J. Collis, assistant director, Bureau of Data Processing in which Mr. Collis suggested \$50,000 for "ongoing service of present systems" for Fiscal Year 1984, plus another \$60,000 for "redesign and modifications". Mr. Collis stated "It is imperative that this system be redesigned over the next two fiscal years using current technology or it will no longer be able to run."

Mr. Weiner noted that the Department of the Treasury and the Division of Budget and Accounting and the Governor's Office are all receptive to the Commission's needs, but the budget preparation and review process still has to work its way to conclusion.

Mr. Weiner noted that the staff have been doing more with less resources and that he anticipates improvements in technical assistance to filing entities, investigations, audits and training sessions and computerized public disclosure. Mr. Weiner said that in his judgment, the Commission's operation is efficient. He also noted that in Fiscal Year 1982 the Commission had transferred \$10,000 to the Attorney General's office to aid that office in meeting a shortfall.

#### 5. Executive Director's Report

Mr. Weiner said that the report on the 1981 Legislative General Election had been sent to the printers and notice of the availability of the report had been made public. He said that the printer will be printing 500 copies, of which 150 will be given to the Legislature, 25 to the Governor's office, 75 to the State Library and 50 to the press. The remaining copies will be sold.

Mr. Weiner reported that steps are being taken to effect the move of the Commission from the 11th to 12th floor.

Mr. Weiner distributed a copy of the U. S. Supreme Court decision in Federal Election Commission, et al. v. National Right to Work Committee, et al., decided December 13, 1982. The materials distributed by Mr. Weiner included a two-page syllabus and a 15-page decision.

Mr. Weiner distributed a report entitled "The Evolution of Political Action Committees (PAC) under Federal and State Law", a report principally prepared by Associate Staff Counsel Tom Cullen. Mr. Weiner said that the document can serve as a briefing and

background paper for the Commissioners' use on the issue of PACs which is of increasing public concern.

6. Commission Meeting Dates

The Commission reviewed its meeting dates and, after discussion of various conflicts with individual Commissioners' schedules, decided to meet on Wednesday, January 26 at 10:00 a.m., Thursday, February 10 at 1:00 p.m. and Wednesday, February 23.

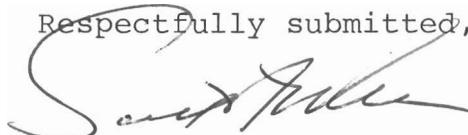
7. Executive Session

On a motion by Commissioner Waugh, 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 December 13, 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 Proctor, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission voted to adjourn.

Respectfully submitted,



SCOTT A. WEINER  
Executive Director