

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

MARCH 23, 1983

PRESENT

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

ABSENT

Haydn Proctor, Member

Chairman Axtell called the meeting to order and announced that pursuant to the Open Public Meetings Law, P.L. 1975, c.231, special notice of the meeting of the Commission, had been filed with the Secretary of State's office, and distributed to the entire State House Press Corps.

The meeting convened at 10:05 a.m. at the office of the Commission, Trenton, New Jersey.

1. Public Hearing on Financial Disclosure Statements of Candidates for the Office of Governor and Candidates for the Senate or General Assembly

The Chairman opened the public hearing. A verbatim transcript of the hearing as transcribed by a court stenographer will be prepared of this hearing and will be on file.

The only person to testify was Jo-Ann Oser, Executive Director, New Jersey Common Cause. Ms. Oser submitted a two-page statement in which Common Cause recommended that (1) all sources of income, both earned and unearned, be disclosed whenever the category exceeds \$1,000; and (2) a source of income, when the combined categories total more than \$1,000, be disclosed. Ms. Oser said Common Cause believes the Commission has made a too narrow interpretation of the law concerning earned and unearned income and a too narrow interpretation of "categories" and "sources".

Following discussion between Commission members and Ms. Oser, on a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 3-0, the Commission decided to continue the public hearing in the event other persons appeared to testify, but to proceed with the Agenda.

2. Approval of Minutes of Public Session of Commission Meeting of March 9, 1983

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On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 2-0 (with Commissioner Waugh abstaining because he was absent from the March 9, 1983 meeting), the Commission approved the minutes of the Public Session of March 9, 1983.

3. Revised Meeting Schedule

The Commission reviewed four different options, lettered A, B, C, and D, for its meeting schedule for the remainder of 1983.

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 3-0, the Commission decided to hold its meetings on the first and third Mondays of the month except as follows: Monday, April 11 at 2:00 p.m. in Morristown; Monday, May 2; Wednesday, May 11 for the public hearing on "testing the waters" regulations; and Monday, May 23.

4. Fiscal Year 1984 Budget

Executive Director Weiner reported that the Legislature's Joint Appropriations Committee will review the Commission's budget on April 13, 1983 and that he anticipates raising two topics with the Committee, namely data processing and personnel. He reported that Senator Weiss, Chairman of the Joint Appropriations Committee, has submitted a series of questions to which the Executive Director will respond in writing. Mr. Weiner noted that it may not be necessary for him or a member of the Commission to attend the hearing. The decision of the need to do so will rest with Senator Weiss.

5. Executive Director's Report

Mr. Weiner distributed a March 18, 1983 Attorney General's Opinion (Formal Opinion No. 4-1983) on whether statutory prohibitions on the making of political contributions by an insurance company doing business in New Jersey extend to an out-of-state non-insurance holding corporation which owns all of the insurance company's capital stock and whether the non-insurance subsidiary corporations of the holding corporation are prohibited from making political contributions. The Opinion, signed by Patrick J. Hughes, Deputy Attorney General on behalf of Attorney General Kimmelman, is four pages. This Opinion is in response to the request for an Opinion made by Crum and Forster.

Mr. Weiner distributed a one-page March 21, 1983 memorandum concerning New Jersey Cable Television Association. Attached to the memorandum was a copy of the Complaint the Association has initiated, namely a Complaint for Declaratory Judgment against Attorney General Kimmelman and Mercer County Prosecutor Philip S. Carchman, as representative of all Prosecutors throughout the State. The Complaint, filed on February 9, 1983 is nine pages long and was accompanied by three separate letters addressed to Thomas Greelish, Esq., First Assistant Attorney General, the Honorable Philip S. Carchman, Prosecutor of Mercer County, and the Clerk of Superior Court and was signed by William R. Holzapfel, Esq.

Mr. Weiner reported that Neil Upmeyer is preparing an article on lobbyist disclosure for the New Jersey Reporter to be published in June or July of this year.

Mr. Weiner reported that the Northeast Conference on Lobbying is being held in Newark on May 18, 1983. Mr. Weiner noted that the conference program is directed to not only staff but also Commissioners involved in regulating lobbyists.

Mr. Weiner reported that the "testing the waters" regulations had been filed with the Office of Administrative Law on March 21, 1983. Mr. Weiner distributed a marked up copy (33 pages) of the document submitted to OAL. Mr. Weiner said the proposed regulations will be published in the April New Jersey Register. Mr. Weiner said he would be mailing copies of the proposed regulations to 1981 gubernatorial candidates, treasurers and consultants and to the chairmen of the two state political party committees along with other known interested individuals.

6. Executive Session

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 3-0, the Commission voted to resolve to go into Executive Session to review the Executive Session Minutes of March 9, 1983 and to discuss investigations and enforcement actions, the results of which will be made public at their conclusion.

7. Re-opening of Public Hearing

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 3-0, the Commission re-opened the public hearing on the proposed regulations on personal financial disclosure.

Mr. Weiner noted that written comments can be submitted through April 6, 1983. The Chairman observed that no additional person had appeared to testify.

On a motion by Commissioner Waugh, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission closed the public hearing.

8. Return to Executive Session

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 3-0, the Commission decided to return to Executive Session to continue its discussion of investigations and enforcement actions, the results of which will be made public at their conclusion.

9. Discussion of Personal Financial Disclosure Regulations

Mr. Farrell noted that the first recommendation made by Common Cause could be a reasonable interpretation of the law and could be incorporated in the proposed regulations. He said, however, that Common Cause's second recommendation, in his judgment, fell outside of a policy determination by the Commission and was precluded by the law.

Commissioner Waugh asked Mr. Farrell to draft an amendment to the proposed regulations to establish an alternative threshold for consideration by the Commission at its next meeting. Mr. Farrell agreed.

10. Adjournment

On a motion by Commissioner Waugh, seconded by Commissioner DeCotiis and a vote of 3-0, the Commission decided to adjourn.

Respectfully submitted,



SCOTT A. WEINER
Executive Director