

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

JULY 6, 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, Asst. Executive Director
Leslie G. London, Election Finance Analyst
Edward J. Farrell, Counsel

ABSENT

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 meeting of the Commission, as amended, had been filed with the Secretary of State's office, and distributed to the entire State House Press Corps.

The meeting convened at 2:50 p.m. at the Montclair Township Municipal Building, City Council Chambers, Montclair, N. J.

1. Approval of Minutes of Public Session of Commission Meeting of June 22, 1983.

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 June 22, 1983.

2. Pending Legislation - Amendments to the Reporting Act (A-3099)

Mr. Weiner reported that the Senate did not act on the proposed amendments to the Reporting Act (A-3099) at its June 30 session. He said the Majority wanted more time to consider the bill. Mr. Weiner said he spoke with Senate President Carmen Orechio who requested the Commission consider extending its deadline until July 11 when the Senate will meet again. Mr. Weiner said he spoke with the staff directors for both the Democrats and Republicans who said that absent any major concerns by individual members the bill should go forward on July 11th.

3. Pending Legislation - Gubernatorial Contribution Limits (A-1875)

Mr. Weiner reported that this bill, which would permit gubernatorial candidates, who did not or do not take public funds, to accept contributions in excess of \$800, up to \$2500. He said the bill has been amended in the Assembly Committee to decrease the limit from \$2500 to \$1500 and that the wording of the bill has been changed so that the \$1500 contribution limit applies to all can-

didates but only to candidates in the 1981 election. Thus, the bill chiefly, if not exclusively, benefits Congressman Robert Roe. Mr. Weiner reported that the bill is receiving mixed reaction. He noted that the Republicans in the Assembly State Government Committee had spoken out against the bill. Mr. Weiner said the bill is positioned for a vote in the very near future. Chairman Axtell asked about the reaction from the Senate and the Governor's office. Mr. Weiner said he had been called by a reporter who had asked the Governor about the bill and the Governor had responded that he simply did not know about it and thus had no comment. The reporter also asked Mr. Weiner about the Commission's position and Mr. Weiner said that the Commission was opposed to the bill.

Commissioner Waugh asked whether the change, if enacted, would stand up to a court challenge for being too limited and benefitting only one person. Mr. Farrell said he did not know how the courts would rule and how critically it would view the possible narrowness of the change.

Mr. DeCotiis asked how detrimental the change would be. Mr. Farrell noted that for the future a candidate might run up debts in anticipation that the Legislature would raise the contribution limit after the election following the precedent set by A-1875. He noted that public policy has been that gubernatorial candidates should take public financing. Mr. Weiner noted that the Commission has been viewed as the protector of the policy as well as the administrator of the Act. He said that there are legislators who do look to the Commission for guidance, but that the issue raised by A-1875 is a pure public policy call.

Discussion ensued on whether the Commission should continue to have a position on A-1875. Mr. Weiner noted that the Commission originally had three objections to the bill. Namely: (1) that it created a two tier, bifurcated system; (2) it represented a fragmented approach to amending the law; and (3) the bill represented changing the rules after the election had been held and as such represented a precedent which could weaken the effectiveness of the Act. He noted that the first two objections had been dealt with by the amendments made by the Assembly State Government Committee but that the Commission's third objection is still present. He noted that he would be receiving telephone calls from reporters and legislators when the bill is posted and he asked the Commission for guidance. Commissioner Proctor noted that the Commission initially had three concerns, all of which had equal weight. He noted that the third still has not been taken care of by the amendments, although the first two have been. He suggested, therefore, that Mr. Weiner note that the Commission continues to have a remaining concern about the bill because it would "change the rules after the game". Following

extensive discussion, the Commission reached a consensus and agreed with the comments of Justice Proctor.

4. Meeting Schedule for July and August

Mr. Weiner suggested the Commission hold a meeting at the end of July or during the first week in August. The Commission reached agreement to hold a meeting on Thursday, August 4, at 10:00 a.m. in Trenton and a meeting on Monday, August 15, at 1:30 p.m. in Trenton.

5. Executive Director's Report

Mr. Weiner reported that for the new fiscal year, 1984, the Joint Appropriations Committee had increased the Governor's budget for the Commission by \$50,000. The Governor, in signing the Appropriations Act, made no change in that increase.

Mr. Weiner reported that Cheryl Clarke had been hired as the new Associate Counsel. He noted that Ms. Clarke is a graduate of Seton Hall Law School and has been a member of the New Jersey Bar for a year and a half. Since graduating, Ms. Clarke has worked for the Somerset County Prosecutor's Office.

Mr. Weiner said that the staff are working on revising the reporting forms in anticipation of the enactment of the amendments to the Reporting Act. He noted that seminars are being planned to be held throughout the State in the early fall.

6. Executive Session

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission voted to go into executive session to review the executive session minutes of June 22, 1983 and to discuss personnel matters, enforcement actions and investigative matters, the results of which will be made public at their conclusion.

7. 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