

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

OCTOBER 26, 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
Gregory E. Nagy, Staff Counsel
Edward J. Farrell, Counsel

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 was held at the Commission's office at 28 West State Street, Trenton, N. J. The meeting began at 10:10 a.m.

1. Advisory Opinion Request from North Jersey Builders PAC

The Commission reviewed a one-page October 17, 1983 letter asking whether title insurance companies may make political contributions. The letter was signed by Arthur R. Kramer, treasurer, North Jersey Builders PAC.

Mr. Weiner said the Commission is not empowered to reach a judgment whether title insurance companies may make political contributions inasmuch as the Commission's jurisdiction does not include interpretation of the statutory prohibition in question. Jurisdiction on this issue rests with the Insurance Department and the Attorney General. On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 4-0, the Commission decided to advise the North Jersey Builders PAC of its inability to render an opinion and to send a copy of the letter to the Attorney General.

2. Allegations Raised by Senator Cardinale

In an October 18, 1983 mailgram to the Commission, Senator Cardinale alleged that certain expenditures by various individuals and organizations advocating the reappointment of Judge Pressler are subject to the disclosure requirements of the Campaign Contributions and Expenditures Reporting Act.

Senator Cardinale appeared in person before the Commission. He taped the public session and provided the Commission with a copy of the tapes which are included in the file for this Commission meeting. Senator Cardinale also provided a written statement of six pages, which he read into the record, and provided a number of exhibits, which are also included in the file for this Commission meeting.

Commissioners Waugh and Proctor, after explaining their activities in support of the reappointment of Judge Pressler and participating in the first portion of the discussion, withdrew from participating in this case.

3. Executive Session

On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 2-0, the Commission went into executive session to continue its discussion of the issues raised by Senator Cardinale. Minutes of the executive session will be available to the public upon conclusion of this matter and the issuance of a formal opinion.

4. Decision on the Allegations Raised by Senator Cardinale

On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 2-0, the Commission decided to clarify Advisory Opinion 15-1983 by adding the phrase "...where such expenditures were directly related to the advertising itself" in the second paragraph appearing on page two of the opinion.

General Legal Counsel Farrell summarized the deliberations of the Commission and set forth his advice concluding that the Commission deny the Senator's request. On a motion by Chairman Axtell, seconded by Commissioner DeCotiis and a vote of 2-0, the Commission decided to deny the application of Senator Cardinale as set forth in his October 18, 1983 mailgram. Counsel Farrell was also directed to prepare a written order memorializing the action of the Commission and to present same at the next Commission meeting.

5. Adjournment

On a motion by Commissioner DeCotiis, seconded by Chairman Axtell and a vote of 2-0, the Commission decided to adjourn.

Respectfully submitted,



SCOTT A. WEINER
Executive Director