

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

FEBRUARY 6, 1984

PRESENT

Andrew C. Axtell, Chairman
Alexander P. Waugh, Jr., Vice Chairman *
M. Robert DeCotiis, Member
Haydn Proctor, Member
Scott A. Weiner, Executive Director
William R. Schmidt, Assistant Executive Director *
Gregory E. Nagy, Staff Counsel
Edward J. Farrell, Counsel

* Arrived Late

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 had been filed with the Secretary of State's office and distributed to the entire State House press corps.

The meeting convened at 10:00 a.m. at the office of the Commission, 28 West State Street, Trenton, N. J.

1. Advisory Opinion No. 04-1984

The Commission reviewed a request for an Advisory Opinion from Raymond Abazia, treasurer, Campaign Fund of Thomas J. Deverin. Mr. Abazia asked whether Assemblyman Deverin could make a contribution to a civic organization from leftover campaign funds. The Commission also reviewed a two-page draft Advisory Opinion dated February 6, 1984, prepared by Staff Counsel Nagy. On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the Advisory Opinion for release.

2. Code of Ethics

(Commissioner Waugh joined the meeting at this part of the agenda)

The Commission discussed the draft Code of Ethics distributed by General Counsel Farrell at the January 23, 1984 meeting. Mr. Farrell discussed limitations that would be applied to the spouses of Commission members which would preclude spouses from seeking State or local office. He further discussed the issue whether Commission members should be precluded from participation in or making contributions to national political parties or federal candidates because of a possible perception of political partisanship. During the ensuing discussion it was suggested that a Commission member should not make a contribution to a federal candidate

because the federal candidacy may be preliminary to a State or local candidacy by the same person. Executive Director Weiner suggested that there might be a distinction between contributions or activity supporting federal candidates and contributions or activity supporting national political parties. Mr. Weiner also noted that the Code of Ethics should not be construed to preclude any Commission member from testifying before the legislature on any bill that affects the duties or performance of the Commission. Counsel Farrell was asked to redraft the Code in light of the discussion. The Commission agreed to give further consideration to the Code at a meeting to be conducted on February 15, 1984.

3. Approval of Minutes of Public Session of Commission of January 23, 1984

On a motion by Commissioner DeCotiis, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the minutes of the public session of January 23, 1984. Chairman Axtell did not vote because he did not attend the January 23, 1984 meeting.

4. Regulations Implementing Amendments in Chapter 579 of the Laws of 1973.

Counsel Farrell distributed a 29-page draft of regulations prepared to implement the amendments to the Campaign Contributions and Expenditures Reporting Act contained in Chapter 579 of the Laws of 1983, which was signed into law on January 17, 1984. Mr. Farrell explained that the principal changes concerned a new reporting entity defined as a "continuing political committee." Mr. Farrell suggested that not all entities within this category should have the same reporting requirements. He suggested that a political action committee (PAC) that exists for political purposes should be required to provide greater information than a group that is essentially not political and spends less than 10 percent of its total disbursements for political purposes. Mr. Farrell stated that under the new law the Commission did have authority to distinguish among continuing political committees and to lessen the reporting burden for those continuing political committees that make minimal disbursements for political purposes. The Commission agreed to further study the proposed regulations at the Commission meeting scheduled for February 21, 1984 at the law offices of Mr. Farrell in Morristown.

Mr. Schmidt joined the meeting during this discussion.

5. Meeting Schedule

The Commission decided to hold a special meeting on Wednesday, February 15, 1984 at 10:00 a.m. at Commissioner DeCotiis' office. The Commission decided to hold its regularly scheduled February 21st meeting in Morristown at General Legal Counsel Farrell's office at 9:00 a.m.

6. Amendments to the Reporting Act

Executive Director Weiner advised the Commission that the staff had

prepared revised forms and Compliance Manual for the school board, municipal and primary elections. Mr. Weiner also noted that special elections are being held in Asbury Park and Atlantic City and that forms have been, or will be, made available to candidates and committees in those two communities.

7. Executive Director's Report

Mr. Weiner distributed a January 24, 1984 letter from Neil Upmeyer in which Mr. Upmeyer praised the work of the Commission staff in assembling campaign finance information about the legislative races in the 1983 general election. He particularly commended Juana Schultz, Director of Compliance and Review and R. David Rousseau, Report Examiner.

Mr. Weiner reported on his recent participation at meetings convened by the Public Affairs Council in Washington, D.C. and the Advisory Council on Intergovernmental Relations.

Mr. Weiner reported that the Bergen Record suggested that he write an Op-Ed article based upon his remarks to the Public Affairs Council.

Mr. Weiner reported on the training session for lobbyists conducted by Leslie London, Election Finance Analyst, and Juana Schultz, Director of Compliance and Review, on Tuesday, January 24, 1984, in Trenton.

Mr. Weiner reported on the Governor's budget. The only difference between what the Commission requested and what the Governor proposed was in public financing for the gubernatorial elections. The Commission had recommended \$8.7 million based on the 1981 experience. He said that the budget office had asked the Commission to scale down its recommendation but that he had advised the budget office that the Commission could not make such judgments. The Governor's office subsequently reduced the requested amount to \$4 million. Mr. Weiner said that he will be meeting with Chief of Staff Greg Stevens and that he expects that there will be legislative consideration of public financing in March or April of this year.

8. Executive Session

On a motion by Commissioner Waugh, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission voted to go into executive session to review the minutes of the executive session of January 23, 1984 and to discuss enforcement actions and investigative matters, the results of which will be made public at their conclusion.

9. Adjournment

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

Respectfully submitted,



SCOTT A. WEINER
Executive Director